

determination of such suit; providing for contingent appropriation to pay any judgment recovered, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 14, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 103, "An Act to validate all tax values and outstanding warrants or script in certain counties in which the commissioners' courts have failed to comply with the provisions of the Uniform Budget Law; making this Act applicable only to counties having a population of not less than twenty-seven thousand (27,000) and not more than twenty-eight thousand (28,000) according to the next preceding Federal census, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 14, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 121, "An Act authorizing navigation districts organized under Chapter 5, Acts of the Regular Session, 1925, to issue refunding bonds; providing for the payment thereof; authorizing the pledge of sinking funds and delinquent taxes to the payment thereof; enacting other provisions pertinent thereto; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 14, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 105, "An Act making an appropriation for the Galveston State Psychopathic Hospital; providing for

the purpose thereof, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

NINETEENTH DAY

(Tuesday, October 15, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll call developed the fact that there was not a quorum present.

Mr. Calvert moved a call of the House for the purpose of securing a quorum and the call was duly ordered.

On motion of Mr. Calvert, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was called and the following Members were present:

Mr. Speaker	Dwyer
Adamson	England
Adkins	Fain
Aikin	Farmer
Alexander	Fisher
Alsup	Ford
Ash	Fox
Atchison	Frazer
Beck	Fuchs
Bradbury	Gibson
Bradford	Glass
Broyles	Good
Burton	Graves
Butler of Brazos	Gray
Butler of Karnes	Greathouse
Cagle	Hankamer
Caldwell	Hanna
Calvert	Hardin
Canon	Harris of Archer
Celaya	Harris of Dallas
Clayton	Hartzog
Collins	Head
Colson	Herzik
Cooper	Hill
Cowley	Hodges
Craddock	Hofheinz
Crossley	Holland
Daniel	Hoskins
Davis	Howard
Davisson	Huddleston
of Eastland	Hunt
Dickison	Hunter
Dunagan	Hyder
Dunlap of Hays	Jackson
Dunlap of Kleberg	James
Duvall	Jefferson

Jones of Atascosa	Quinn
Jones of Falls	Reader
Jones of Shelby	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Riddle
King	Roach of Angelina
Knetsch	Roach of Hunt
Lanning	Roane
Latham	Roark
Leath	Roberts
Lemens	Rogers
Leonard	Russell
Lindsey	Rutta
Lotief	Scarborough
Lucas	Sessions
Luker	Shofner
Mauritz	Smith
McCalla	Spears
McConnell	Stanfield
McFarland	Steward
McKee	Stinson
McKinney	Stovall
Moffett	Tarwater
Moore	Tennyson
Morris	Thornton
Morrison	Tillery
Morse	Venable
Newton	Waggoner
Nicholson	Walker
Olsen	Wells
Padgett	Westfall
Palmer	Wood of Harrison
Patterson	Wood of Montague
Payne	Worley
Petsch	Young
Pope	Youngblood

Absent

Colquitt Lange

Absent—Excused

Bergman	Fitzwater
Bourne	Settle
Davison of Fisher	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, wilt Thou imbue us with a spirit of co-operation and understanding, that these closing hours may be thoroughly effective in wise action, and that, so far as in us lies, the best interests of our people may be served. Overrule our shortcomings and guide us today. For Christ's sake. Amen."

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence on account of illness:

Mr. Bourne for today, on account of illness in his family, on motion of Mr. Lanning.

COMMENDING COMMITTEE ON CONTINGENT EXPENSES

Mr. Jones of Wise offered the following resolution:

Whereas, The First Called Session of the Forty-fourth Legislature is near sine die adjournment; and

Whereas, The records of the Committee on Contingent Expenses of the House reveal that the current costs of this session have been kept at an unusually low figure, the same being less than half the ordinary cost of a thirty days session; and

Whereas, It is the sense of the House that this record meets with the approval of the people of this State; now, therefore, be it

Resolved, That the Chairman of this Committee, the Honorable Ed Dunlap, as well as the entire Committee, be, and the same are hereby, highly commended for their fine work in making the aforementioned retrenchment.

JONES of Wise,
ROARK,
THORNTON,
GRAVES.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickson, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane,

Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young, Youngblood.

On motion of Mr. Spears, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

EXTENDING CONGRATULATIONS TO EAST TEXAS

Mr. Dunagan offered the following resolution:

Whereas, The East Texas Yamboree is to be held in the city of Gilmer, Texas, on next Friday and Saturday, October 18th and 19th, which event will celebrate the bumper crop of sweet potatoes raised in East Texas, and which event will be attended by thousands of citizens of East Texas; and

Whereas, This annual event has brought distinction and notoriety to that section of East Texas, due to the fact that a large number of notables and prominent citizens of this State will be in attendance at this event; and

Whereas, In a Proclamation these two days have been set aside by the Governor of Texas for the celebration of this event; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas recognizes the importance of this immense industry in that section of East Texas and extends its congratulations to all East Texas in this progressive movement; and be it further

Resolved, That a copy of this resolution be sent to J. A. Brogotti, Manager of the East Texas Yamboree.

DUNAGAN,
COOPER.

The resolution was read second time, and was adopted.

TO SUSPEND CERTAIN JOINT RULES

Mr. Spears offered the following resolution:

H. C. R. No. 20, To suspend certain Joint Rules to consider Senate Bill No. 27.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 11, and all other Joint Rules, be, and they are hereby, suspended for the purpose of taking up Senate Bill No. 27 and considering the same until finally disposed of.

The resolution was read second time, and was adopted.

CONCERNING DELEGATES IN THE NATIONAL DEMO- CRATIC CONVENTION

Mr. Morse offered the following resolution:

H. C. R. No. 22, Concerning Delegates in the National Democratic Convention.

Whereas, The white Democrats of Texas have for many years undertaken to control their own Party affairs in reference to who may participate in precinct, county and State conventions, and who may vote in primary elections to nominate their candidates for public office; and

Whereas, The white Democrats of Texas, through their own Party organization, has finally succeeded in controlling their own Party affairs so that now only white Democrats have been permitted to participate in Democratic conventions and primary elections; and

Whereas, The negro can no longer participate in the Democratic primaries in Texas and cannot force upon the white Democrats of Texas political recognition along with white Democrats; and

Whereas, The white Democrats of Texas and the white Democrats of all Southern States look with favor upon the adoption by the National Democratic Executive Committee of such rules, regulations and requirements as will prevent negroes from being recognized or seated as delegates to the National Democratic Convention in 1936; and

Whereas, A grave situation confronts the Democratic Party, especially in the Southern States, in that the negroes have in the past, and will in the future, demand equal political recognition along with white Democrats in respect to being recognized and seated as delegates to the next National Democratic Convention; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That it

is the sense of the white Democrats of Texas that the negro should not be recognized or seated as delegates in the National Democratic Convention to be held in 1936, and as the representatives of the Democratic Party in Texas, we appeal to the National Democratic Executive Committee of the Democratic Party of the Nation to promulgate such rules, regulations and conditions as will prevent the seating of negro delegates at the next National Democratic Convention; and be it further

Resolved, That it is the sense of the white Democrats of Texas that regardless of the place to be selected as the next Convention City, it will be unwise for the Convention to recognize the negro as a delegate to the Convention, and especially would it be unwise to hold the next National Democratic Convention in a Southern City unless rules, regulations and conditions be adopted so as to prevent the negro from being recognized or seated as a delegate to said Convention.

The resolution was read second time, and was adopted.

MESSAGES FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 48, A bill to be entitled "An Act to add a new section to be known as Section 16a to, and to amend Sections 1 and 7, of Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizes such cities to borrow money from the United States Government or other Federal Agencies, or from any person, firm or corporation, and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said System

in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said System, and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; etc., and declaring an emergency."

(With amendment.)

H. B. No. 93, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

H. B. No. 100, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by general or special law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation, etc., and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act making emergency appropriations of \$16,628.00 to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the boys dormitory and laying water, gas and sewer mains to the students cottages, located at said college, etc., and declaring an emergency."

(With amendments.)

H. B. No. 118, A bill to be entitled "An Act creating a special road law for Lamb County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 13, 1935, setting forth the method of operation, etc., and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act creating a special road law for Bailey County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 19, 1935, setting forth the method of operation; etc., and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act creating a special road law for Swisher County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of July 8, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

(With amendment.)

H. B. No. 134, A bill to be entitled "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the Gulf Coast and by reason of the calamitous overflows, floods and storms which caused great destruction of property and loss of life in said county; etc., and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said chapter, Article 6795a, authorizing county commissioners' court situated within any county having not less than 350,000 population, according to the last preceding Federal census, to construct, build, acquire, own, operate and maintain a toll underpass or tunnel in the State of Texas; etc., and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act to create the Nueces River Conservation and Reclamation District under the authority of Section 59, of Article 16, of the Constitution of Texas authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts, etc., and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 24, Acts of the Regular

Session, Thirty-eighth Legislature, and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act making an appropriation of \$259.44 to pay W. P. McLean, Jr., for twenty-four days attendance as Special Associate Justice of the Supreme Court of Texas, and to pay the sum of \$306.88, to Alvin C. Owsley for twenty-eight days attendance as Special Chief Justice of the Supreme Court of Texas, and declaring an emergency."

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of constitutional amendments, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

Mr. Dunlap of Hays offered the following resolution:

H. C. R. No. 21, To suspend certain Joint Rules to consider Senate Bill No. 38.

Be It Resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 11, and all other Joint Rules of the two Houses, be suspended at this time, for the purpose of taking up, and finally disposing of, Senate Bill No. 38.

The resolution was read second time, and was lost.

MESSAGE FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House Amendments to Senate Bill No. 28 and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Redditt, Rawlings, Hopkins, Stone, and Pace.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 78 WITH SENATE AMENDMENTS

Mr. McKinney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 78, A bill to be entitled "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said System in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said System, and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. McKinney, the House concurred in the Senate amendments.

REQUESTS OF SENATE GRANTED

On motion of Mr. Aikin, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the House and Senate on Senate Bill No. 16.

On motion of Mr. Leonard, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the House and Senate on Senate Bill No. 28.

GRANTING H. C. BRANNON AND WIFE PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, S. C. R. No. 4, Granting H. C. Brannon and wife, permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING CLEO FLETCHER PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, S. C. R. No. 7, Granting Cleo Fletcher permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 20, Suspending Joint Rule No. 11 for the purpose of taking up Senate Bill No. 27 until finally disposed of.

S. C. R. No. 10, Relating to White Democrats in Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

Mr. Clayton offered the following resolution:

H. C. R. No. 23, To suspend certain Joint Rules to consider Senate Bill No. 37.

Be it resolved by the House of Representatives, the Senate concurring, That Rule No. 11, and all other Joint Rules of the Joint Rules of the House and the Senate be, and the same are, hereby suspended, to permit consideration of Senate Bill No. 37 until final disposition.

The resolution was read second time and was lost.

MESSAGE FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the

differences between the two Houses on House Concurrent Resolution No. 12.

The following have been appointed on the part of the Senate:

Senators Holbrook, Moore, Burns, Blackert and Cotten.

Passed

S. B. No. 55, A bill to be entitled "An Act creating a special road law for Hartley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of May 23, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding or refunding bonds, not in conflict herewith; and declaring an emergency."

S. B. No. 72, A bill to be entitled "An Act validating, ratifying and confirming the election of trustees, all acts of such trustees, the ordering of election in certain independent school districts for the purpose of issuing bonds, the issuance of sale of such bonds and the levy and assessment of taxes in such districts for the purpose of liquidating such bonds in all independent school districts in the State of Texas heretofore created by an Act or Acts of the Legislature; and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

Mr. Frazer offered the following resolution:

H. C. R. No. 24, To suspend certain Joint Rules to consider House Bill No. 143.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 11, and all other Joint Rules, of the two Houses, be suspended at this time, for the purpose of taking up and considering until finally disposed of, House Bill No. 143.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 125 WITH SENATE AMENDMENTS

Mr. Hoskins called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 125, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Hoskins, the House concurred in the Senate amendments, by the following vote:

Yeas—122

Adamson	Dwyer
Adkins	England
Alexander	Fain
Alsup	Farmer
Ash	Fisher
Atchison	Ford
Beck	Fox
Bradbury	Frazer
Bradford	Fuchs
Broyles	Gibson
Burton	Glass
Butler of Brazos	Graves
Butler of Karnes	Gray
Caldwell	Hankamer
Canon	Hanna
Celaya	Hardin
Clayton	Harris of Archer
Collins	Harris of Dallas
Colson	Head
Cooper	Herzik
Cowley	Hodges
Craddock	Holland
Crossley	Hoskins
Daniel	Howard
Davis	Huddleston
Davison of Fisher	Hunt
Davisson	Hunter
of Eastland	Jackson
Dickison	James
Dunagan	Jefferson
Dunlap of Hays	Jones of Falls
Duvall	Jones of Shelby

Jones of Wise	Reed of Dallas
Keefe	Riddle
King	Roach of Hunt
Knetsch	Roane
Lanning	Roark
Latham	Roberts
Lemens	Rogers
Leonard	Rutta
Lindsey	Sessions
Lotief	Shofner
Lucas	Smith
Mauritz	Spears
McCalla	Stanfield
McConnell	Steward
McFarland	Stinson
McKee	Stovall
McKinney	Tarwater
Moffett	Tennyson
Moore	Thornton
Morris	Tillery
Morrison	Venable
Newton	Waggoner
Nicholson	Walker
Olsen	Wells
Padgett	Westfall
Patterson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Quinn	Youngblood
Reader	

Nays—5

Aikin	Palmer
Hofheinz	Reed of Bowie
Luker	

Present—Not Voting

Cagle

Absent

Calvert	Lange
Colquitt	Leath
Dunlap of Kleberg	Morse
Good	Pope
Greathouse	Roach of Angelina
Hartzog	Russell
Hill	Scarborough
Hyder	Young
Jones of Atascosa	

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

TO SUSPEND CERTAIN JOINT RULES

Mr. Worley offered the following resolution:

H. C. R. No. 25, To suspend certain Joint Rules to consider House Bill No. 60.

Be it resolved by the House of Representatives, the Senate concurring,

That Joint Rule No. 11 and all other Joint Rules of the two Houses, be suspended at this time for the purpose of taking up, and finally disposing of, House Bill No. 60.

The resolution was read second time, and was adopted.

TO SUSPEND CERTAIN JOINT RULES

Mr. Rogers offered the following resolution:

H. C. R. No. 19, To suspend certain Joint Rules to consider Senate Bill No. 55.

Whereas, Senate Bill No. 55 has passed the Senate and is now in the House for consideration; and

Whereas, This bill is very important to the citizens of Hartley County; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 11, be, and is hereby, suspended for the purpose of taking up and considering until the final disposition thereof, Senate Bill No. 55.

The resolution was read second time, and was adopted.

MESSAGES FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 22, Relating to White Democrats in Texas.

S. C. R. No. 12, Suspending Joint Rules 11, 22, 23, 24 and 32 until the final passage of Senate Bill No. 72 and Senate Bill No. 55.

Conference Committee report on Senate Bill No. 24 by the following vote:

Yeas 29, Nays 0.

H. C. R. No. 19, Suspending Joint Rule 11, until the final disposition of Senate Bill No. 55.

H. C. R. No. 24, Suspending Joint Rule 11 and all other Joint Rules until final disposition of House Bill No. 143.

Conference Committee report on House Concurrent Resolution No. 12, by a viva voce vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 27 ON SECOND
READING

The Speaker laid before the House, (in compliance with House Concurrent Resolution No. 20) on its second reading and passage to third reading,

S. B. No. 27, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the Livestock Sanitary Commission for additional support and maintenance of the Livestock Sanitary Commission for the balance of the two-year period beginning September 1, 1935, and ending August 31, 1937, to cover the office expenses, traveling expenses, the purchase of dip material, and marking paint, laboratory equipment and supplies, printing, indemnity tubercular cattle owners, of law enforcement, predatory animal extermination, investigation of contagious diseases, salaries of inspectors, and declaring an emergency."

On motion of Mr. Spears, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule, were suspended for the purpose of taking up and considering, at this time, Senate Bill No. 27.

The bill was read second time.

Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 27 by striking out lines 30, 31, on page 1.

Mr. Spears moved to table the amendment by Mr. Aikin.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—82

Adkins	Davisson
Alexander	of Eastland
Alsup	Dickison
Ash	Dunlap of Hays
Bradbury	Dunlap of Kleberg
Bradford	Duvall
Butler of Brazos	Dwyer
Butler of Karnes	England
Cagle	Fain
Caldwell	Fisher
Calvert	Ford
Celaya	Fox
Clayton	Frazer
Cooper	Fuchs
Cowley	Graves
Daniel	Gray

Greathouse	Moffett
Hankamer	Moore
Harris of Archer	Newton
Harris of Dallas	Nicholson
Hartzog	Olsen
Head	Padgett
Hill	Patterson
Hofheinz	Pope
Hoskins	Reed of Dallas
Howard	Roach of Angelina
Hyder	Roane
Jackson	Roberts
Jefferson	Rogers
Jones of Falls	Sessions
Jones of Shelby	Shofner
Jones of Wise	Smith
King	Spears
Knetsch	Stanfield
Lanning	Steward
Lemens	Stinson
Leonard	Tennyson
Lindsey	Thornton
Mauritz	Wells
McConnell	Young
McKee	Youngblood
McKinney	

Nays—47

Adamson	Latham
Aikin	Leath
Atchison	Lotief
Broyles	Lucas
Burton	Luker
Canon	McCalla
Collins	McFarland
Colson	Morris
Craddock	Palmer
Crossley	Quinn
Davis	Reed of Bowie
Davison of Fisher	Riddle
Farmer	Roach of Hunt
Gibson	Roark
Glass	Russell
Hanna	Scarborough
Hardin	Stovall
Herzik	Venable
Hodges	Waggoner
Huddleston	Walker
Hunt	Westfall
Hunter	Wood of Harrison
James	Wood of Montague
Keefe	

Absent

Beck	Morse
Colquitt	Payne
Dunagan	Petsch
Good	Reader
Holland	Rutta
Jones of Atascosa	Tarwater
Lange	Tillery
Morrison	Worley

Absent—Excused

Bergman Fitzwater
Bourne Settle

Mr. Roark offered the following amendment to the bill:

Amend Senate Bill No. 27, by striking out any and all appropriations pertaining to the paying of dip material, building vats, or hiring inspectors for enforcement of dipping.

On motion of Mr. Spears, the amendment was tabled.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend Senate Bill No. 27 by reducing the appropriation 50%.

Mr. Jones of Falls moved to table the amendment by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Adkins	Hoskins
Alexander	Howard
Alsup	Hyder
Ash	Jackson
Bradford	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Shelby
Caldwell	Jones of Wise
Calvert	King
Celaya	Knetsch
Clayton	Lanning
Colson	Leath
Cooper	Lemens
Cowley	Leonard
Daniel	Lindsey
Dickison	Mauritz
Dunagan	McConnell
Dunlap of Hays	McFarland
Dunlap of Kleberg	McKee
Duvall	McKinney
Dwyer	Moffett
England	Moore
Ford	Morse
Fox	Newton
Frazer	Olsen
Fuchs	Padgett
Good	Patterson
Gray	Payne
Greathouse	Pope
Hankamer	Reader
Harris of Archer	Reed of Dallas
Harris of Dallas	Roberts
Hartzog	Rogers
Herzik	Rutta
Hill	Scarborough
Hofheinz	Sessions

Spears
Stanfield
Steward
Stinson
Tarwater

Thornton
Wells
Young
Youngblood

Nays—49

Adamson	James
Aikin	Keefe
Atchison	Lotief
Beck	Lucas
Bradbury	Luker
Broyles	McCalla
Burton	Morris
Canon	Morrison
Collins	Palmer
Craddock	Petsch
Crossley	Quinn
Davis	Reed of Bowie
Davison of Fisher	Riddle
Fain	Roach of Hunt
Farmer	Roark
Gibson	Russell
Glass	Stovall
Hanna	Tillery
Hardin	Venable
Head	Waggoner
Hodges	Walker
Holland	Westfall
Huddleston	Wood of Harrison
Hunt	Wood of Montague
Hunter	

Present—Not Voting

Cagle

Absent

Colquitt	Nicholson
Davison	Roach of Angelina
of Eastland	Roane
Fisher	Shofner
Graves	Smith
Jefferson	Tennyson
Lange	Worley
Latham	

Absent—Excused

Bergman Fitzwater
Bourne Settle

Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 27 by striking out appropriation for dip material.

Mr. Spears moved to table the amendment by Mr. Aikin.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—92

Adkins	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Butler of Brazos	King
Butler of Karnes	Knetsch
Caldwell	Lanning
Calvert	Leath
Celaya	Lemens
Clayton	Leonard
Cooper	Lindsey
Cowley	Mauritz
Daniel	McConnell
Davis	McFarland
Davisson	McKee
of Eastland	McKinney
Dickison	Moffett
Dunagan	Moore
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Duvall	Olsen
Dwyer	Padgett
England	Patterson
Fain	Petsch
Fisher	Pope
Ford	Reader
Frazer	Reed of Dallas
Fuchs	Roach of Hunt
Good	Roane
Graves	Roberts
Gray	Rogers
Greathouse	Rutta
Hankamer	Scarborough
Harris of Archer	Sessions
Harris of Dallas	Shofner
Hartzog	Spears
Head	Stanfield
Herzik	Steward
Hill	Stinson
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Thornton
Howard	Wells
Hyder	Young
Jackson	Youngblood
Jefferson	

Nays—40

Adamson	Glass
Aikin	Hanna
Atchison	Hardin
Beck	Hodges
Broyles	Huddleston
Burton	Hunter
Canon	James
Collins	Lotief
Colson	Lucas
Craddock	Luker
Crossley	McCalla
Davison of Fisher	Morris
Farmer	Palmer
Gibson	Quinn

Reed of Bowie

Riddle	Venable
Roark	Waggoner
Russell	Walker
Stovall	Westfall
Tillery	Wood of Harrison
	Wood of Montague

Absent

Ash	Morrison
Cagle	Nicholson
Colquitt	Payne
Fox	Roach of Angelina
Hunt	Smith
Lange	Worley
Latham	

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

Senate Bill No. 27 was then passed to third reading.

MOTION TO TAKE UP SENATE BILL NO. 27

Mr. Spears moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 27 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths votes) by the following vote:

Yeas—100

Adkins	Ford
Alexander	Fox
Alsup	Frazer
Atchison	Fuchs
Bradbury	Good
Bradford	Graves
Burton	Gray
Butler of Brazos	Greathouse
Butler of Karnes	Hankamer
Caldwell	Hardin
Calvert	Harris of Archer
Canon	Harris of Dallas
Clayton	Head
Cooper	Herzik
Cowley	Hill
Daniel	Hofheinz
Davisson	Holland
of Eastland	Hoskins
Dickison	Howard
Dunagan	Hyder
Dunlap of Hays	Jackson
Dunlap of Kleberg	Jefferson
Duvall	Jones of Atascosa
Dwyer	Jones of Falls
England	Jones of Shelby
Fain	Jones of Wise
Farmer	Keefe
Fisher	King

Knetsch	Petsch
Lanning	Pope
Latham	Reader
Leath	Reed of Dallas
Lemens	Roane
Leonard	Roberts
Lindsey	Rogers
Lotief	Rutta
Mauritz	Scarborough
McCalla	Sessions
McConnell	Shofner
McFarland	Smith
McKee	Spears
McKinney	Stanfield
Moffett	Steward
Moore	Stinson
Morrison	Tarwater
Morse	Tennyson
Newton	Thornton
Olsen	Wells
Padgett	Young
Patterson	Youngblood
Payne	

Nays—32

Adamson	Luker
Aikin	Morris
Beck	Palmer
Broyles	Quinn
Collins	Reed of Bowie
Colson	Riddle
Craddock	Roach of Hunt
Crossley	Roark
Davison of Fisher	Russell
Gibson	Stovall
Glass	Tillery
Hanna	Venable
Huddleston	Waggoner
Hunter	Walker
James	Wood of Harrison
Lucas	Wood of Montague

Present—Not Voting

Davis	Westfall
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Absent

Ash	Hunt
Cagle	Lange
Celaya	Nicholson
Colquitt	Roach of Angelina
Hartzog	Worley
Hodges	

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

HOUSE BILL NO. 113 WITH
SENATE AMENDMENTS

Mr. Stanfield called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 113, A bill to be entitled "An Act making emergency appropriations of \$16,628.00 to the West Texas State Teachers College at Canyon Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the boys dormitory and laying water, gas and sewer mains to the students cottages, located at said college, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

(Mr. Leonard in the Chair.)

On motion of Mr. Stanfield, the House concurred in the Senate amendments by the following vote:

Yeas—87

Aikin	Jackson
Alexander	Jefferson
Alsup	Jones of Atascosa
Atchison	Jones of Falls
Bradford	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	King
Butler of Karnes	Latham
Caldwell	Leath
Calvert	Lemens
Celaya	Lotief
Clayton	McCalla
Collins	McFarland
Cooper	McKee
Cowley	McKinney
Daniel	Moffett
Davis	Moore
Davisson	Morris
of Eastland	Morrison
Dickison	Morse
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Patterson
England	Payne
Fain	Petsch
Fisher	Pope
Ford	Quinn
Fox	Reader
Frazer	Reed of Dallas
Fuchs	Riddle
Gibson	Roach of Hunt
Glass	Roberts
Graves	Rogers
Greathouse	Scarborough
Hankamer	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Head	Stanfield
Hofheinz	Steward
Holland	Stinson
Hoskins	Tarwater
Hyder	Tennyson

Thornton Wells	Young Youngblood
Nays—39	
Adamson	Lucas
Adkins	Luker
Beck	Mauritz
Bradbury	McConnell
Broyles	Newton
Canon	Palmer
Craddock	Reed of Bowie
Crossley	Roane
Davison of Fisher	Roark
Farmer	Russell
Hanna	Rutta
Hardin	Sessions
Harris of Archer	Stovall
Hodges	Tillery
Howard	Waggoner
Huddleston	Walker
James	Westfall
Knetsch	Wood of Harrison
Lanning	Wood of Montague
Lindsey	

Present—Not Voting

Herzik Leonard

Absent

Ash	Hunt
Cagle	Hunter
Colquitt	Keefe
Colson	Lange
Dunagan	Nicholson
Duvall	Roach of Angelina
Good	Venable
Gray	Worley
Hill	

Absent—Excused

Bergman Fitzwater
Bourne Settle

CONFERENCE COMMITTEE RE-
PORT ON HOUSE CONCUR-
RENT RESOLUTION
NO. 12

Mr. Thornton submitted the follow-
ing Conference Committee report on
House Concurrent Resolution No. 12:

Committee Room

October 15th, 1935.

Hon. Walter F. Woodul, President of
the Senate.

and

Hon. Coke Stevenson, Speaker of the
House.

Sirs: We, your Conference Commit-
tee, appointed to adjust the differences
between the House and the Senate on
House Concurrent Resolution No. 12,
have had the same under consideration

and beg to report back that the same
do pass in the form and text hereto
attached.

H. C. R. No. 12.

Whereas, The Live Stock Sanitary
Commission of Texas during the
months of August 1925 to May 1926
established a quarantine in Galveston,
Harris and Brazoria Counties, Texas,
during which time no crops were per-
mitted to be moved, harvested or sold
within the quarantine areas and no
milk was permitted to be sold in said
areas; and

Whereas, During the period of said
quarantine the premises of Mrs. Nina
R. Wiegand, wife of Henry J.
Wiegand, were quarantined from the
5th of September 1925, to the 1st day
of January 1926, during which time
no milk was permitted to be sold from
said premises and no crops were per-
mitted to be gathered therefrom, and
the said Mrs. Nina R. Wiegand lost in
value of milk not permitted to be
moved or sold a sum estimated to be
\$1920.00, and lost in the value of
cultivated hay crop not permitted to
be gathered a sum estimated to be
\$220.00; and

Whereas, Said losses were caused by
said quarantine, which quarantine was
enforced by the Live Stock Sanitary
Commission of Texas and which quar-
antine was enforced for the benefit of
the Dairy and Cattle Industry of the
State of Texas at large; and

Whereas, No compensation has been
made to the said Mrs. Nina R. Wie-
gand for the loss of such crops and
of the milk and the milk products
hereinabove referred to; and

Whereas, At no time during said
quarantine did any case of the hoof
and mouth disease develop in any of
the cattle belonging to the said Mrs.
Nina R. Wiegand; now, therefore,
be it

Resolved by the House of Repre-
sentatives, the Senate concurring, That
the said Nina R. Wiegand, joined by
her husband, be and they are hereby
granted permission to bring suit
against the State of Texas in a court
of competent jurisdiction, in Travis
County, Texas, to determine what
compensation she is entitled to re-
ceive by reason of loss in milk, and
milk products in the value thereof,
and hay and the value thereof, in-
curred by virtue of the quarantine es-
tablished by the Live Stock Sanitary
Commission on her premises during

the months of August 1925 to May 1926, and in case such suit be filed, service of citation or other necessary process may be had upon the Attorney General with the same force and effect as is made and provided in civil suits.

The crowded condition of the calendar and the importance of the subject matter of this resolution create an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that all bills be read on three separate days in each House, and said rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,

HOLBROOK,
MOORE,
BURNS,
BLACKERT,
COTTEN,

On the part of the Senate;

THORNTON,
MORRIS,
DANIEL,
MOORE,
KEEFE,

On the part of the House.

On motion of Mr. Thornton, the report was adopted.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 125

Mr. Hoskins offered the following resolution:

H. C. R. No. 26, Authorizing certain correction in House Bill No. 125.

Whereas, House Bill No. 125 has passed the House of Representatives and the Senate and is now in the enrolling room; and

Whereas, In the amending of the body of the bill the caption was not amended to conform with the body of the bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk be authorized to correct the caption of House Bill No. 125 to conform to the body of the bill.

HOSKINS,
FOX.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted:

H. C. R. No. 25, Suspending Joint Rule No. 11 and all other Joint Rules of both Houses until final disposition of House Bill No. 60.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 72, to the Committee on Education.

Senate Bill No. 55, to the Committee on Highways and Motor Traffic.

CONFERENCE COMMITTEE ON SENATE BILL NO. 28

The Speaker announced the appointment of the following conference committee on Senate Bill No. 28: Messrs. Leonard, Tillery, Atchison, Dunlap of Hays and Aikin.

SENATE BILL NO. 55 ON SECOND READING

Mr. Rogers moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 55 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adamson	Butler of Karnes
Aikin	Cagle
Alexander	Caldwell
Alsup	Calvert
Ash	Canon
Atchison	Clayton
Beck	Collins
Bradbury	Colson
Bradford	Cooper
Broyles	Cowley
Burton	Craddock
Butler of Brazos	Crossley

Daniel	Lindsey
Davis	Lotief
Davison of Fisher	Lucas
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunlap of Hays	McKee
Duvall	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Farmer	Morrison
Fisher	Newton
Ford	Olsen
Fox	Padgett
Frazer	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Pope
Good	Quinn
Graves	Reader
Gray	Reed of Bowie
Greathouse	Reed of Dallas
Hankamer	Riddle
Hanna	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roark
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hill	Rutta
Hodges	Sessions
Hofheinz	Shofner
Hoskins	Smith
Howard	Spears
Huddleston	Stanfield
Hunt	Steward
Hyder	Stinson
Jackson	Stovall
James	Tarwater
Jefferson	Tennyson
Jones of Falls	Thornton
Jones of Shelby	Waggoner
Jones of Wise	Walker
Keefe	Wells
King	Westfall
Knetsch	Wood of Harrison
Lanning	Wood of Montague
Latham	Young
Leath	Youngblood
Lemens	

Nays—3

Hardin	Scarborough
Holland	

Present—Not Voting

Leonard	Luker
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Absent

Adkins	Dunagan
Celaya	Dunlap of Kleberg
Colquitt	Hunter

Jones of Atascosa	Petsch
Lange	Roane
McFarland	Tillery
Morse	Venable
Nicholson	Worley

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 55, A bill to be entitled "An Act creating a special road law for Hartley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of May 23, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding or refunding bonds, not in conflict herewith, enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 55 ON THIRD READING

The Chair then laid Senate Bill No. 55 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—122

Adamson	Cagle
Adkins	Caldwell
Aikin	Calvert
Alexander	Canon
Alsup	Clayton
Ash	Cooper
Atchison	Cowley
Beck	Craddock
Bradbury	Crossley
Bradford	Daniel
Broyles	Davis
Burton	Davison of Fisher
Butler of Brazos	Davisson
Butler of Karnes	of Eastland

Dickison	McFarland
Dunagan	McKee
Duvall	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Ford	Newton
Fox	Olsen
Frazer	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Good	Quinn
Graves	Reader
Gray	Reed of Bowie
Greathouse	Reed of Dallas
Hankamer	Riddle
Hanna	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roark
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hill	Rutta
Hodges	Scarborough
Holland	Sessions
Huddleston	Shofner
Hunt	Smith
Hyder	Spears
Jackson	Stanfield
James	Steward
Jefferson	Stinson
Jones of Atascosa	Stovall
Jones of Falls	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
King	Tillery
Knetsch	Venable
Lanning	Waggoner
Latham	Walker
Leath	Wells
Lemens	Westfall
Lindsey	Wood of Harrison
Lotief	Wood of Montague
Lucas	Young
Mauritz	Youngblood
McCalla	

Present—Not Voting

Hardin	Luker
Leonard	

Absent

Celaya	Hunter
Collins	Keefe
Colquitt	Lange
Colson	McConnell
Dunlap of Hays	Morse
Dunlap of Kleberg	Nicholson
Dwyer	Petsch
Hofheinz	Pope
Hoskins	Roane
Howard	Worley

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 64

Mr. Davisson of Eastland submitted the following conference committee report on Senate Bill No. 64:

Committee Room,

Austin, Texas, October 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

and

Hon. Coke R. Stevenson, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 64, have considered same, and beg leave to request that the bill pass in the following form:

S. B. No. 64.

A BILL

To Be Entitled

An Act creating the Leon River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such District, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, (but subject to the grants and powers heretofore conferred on the Brazos River Conservation and Reclamation District), a conservation and reclamation district to be known as the "Leon River Flood Control District" (hereinafter called the District) and consisting of that part of the State of Texas which is included within the counties of Eastland and Callahan. Such District shall be and is hereby declared to be a governmental agency and body politic and corporate, (and subject to the grants and powers heretofore conferred on the Brazos River Conservation and Reclamation

District), with the powers, rights, privileges and functions hereafter specified, and the creation of such District is hereby declared to be essential to the accomplishment of the purposes of Section 59, of Article 16, of the Constitution of the State of Texas, including (to the extent hereafter authorized) the control, storing, preservation, and distribution of the waters of the Leon River and its tributaries, above and adjacent to the town of Mangum, Texas, for the purpose of protecting the lives and property of the inhabitants of the territory affected by the Leon River, its tributaries, and the streams to which it is a tributary, and in addition the reclamation, conservation, draining and irrigation of lands within the District. Nothing in this Act or in any other Act or law contained, however, shall be construed as authorizing the District to levy or collect taxes or assessments, or in any way to pledge the credit of the State.

Sec. 2. In accordance with the limitations and provisions of this Act, the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions, (subject to the grants and powers heretofore conferred on the Brazos River Conservation and Reclamation District):

(a) To control, store and preserve, within the boundaries of the District, the waters of the Leon River and its tributaries, for the reclamation and irrigation of the lands of the District, and to use, distribute and sell the same, within the boundaries of the District, for any such purpose;

(b) To prevent or aid in the prevention of damage to person or property from the waters of the Leon River and its tributaries;

(c) To forest and reforest and to aid in the foresting and reforesting of the watershed area of the Leon River and its tributaries, and to prevent and to aid in the prevention of soil erosion and floods within said area;

(d) To acquire by purchase, lease, gift, or in any other manner (otherwise than by condemnation) and to maintain, use and operate any and all property of any kind, real, personal or mixed, or any interest therein, within or without the boundaries of the District, necessary or con-

venient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(e) To acquire by condemnation any and all property of any kind, real, personal or mixed, or any interest therein, within or without the boundaries of the District (other than such property or any interest therein without the boundaries of the District as may at the time be owned by any body politic) necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation or, at the option of the District, in the manner provided by the Statutes relative to condemnation by Districts organized under General Law to Section 59, of Article 16, of the Constitution of the State of Texas;

(f) Subject to the provisions of this Act from time to time sell or otherwise dispose of any property of any kind, real, personal or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(g) To overflow and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to Districts organized under General Laws pursuant to Section 59, of Article 16, of the Constitution of the State of Texas;

(h) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges and functions;

(i) To sue and be sued in its corporate name;

(j) To adopt, use and alter a corporate seal;

(k) To make by-laws for the management and regulation of its affairs;

(l) To appoint officers, agents and employees, to prescribe their duties and to fix their compensation;

(m) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(n) To apply for and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and to ratify and accept applications heretofore made by voluntary associations to such agencies for grants to construct, maintain, or operate any project or projects which hereafter may be undertaken or contemplated by said District;

(o) To do any and all other acts or things necessary or convenient to the exercising of the powers, rights, privileges or functions conferred upon it by this Act or any other Act or law, provided, however, that none of the powers hereby granted shall ever be construed so as to authorize any act or power in conflict with any valid rule, regulation, and/or by-law of the Brazos River Conservation and Reclamation District.

Sec. 3. The powers, rights, privileges and functions of the District shall be vested in and exercised by a Board of nine (9) Directors (hereafter called the Board), all of whom shall be residents of and freehold property taxpayers in the State of Texas; each County within the District shall be represented at all times on the said Board by a member of said Board residing at the time of his appointment within such county, and provided that at least four of such Directors shall be residents of the same county. Each of the Directors shall be appointed by the Governor, by and with the consent of the Senate, and shall hold office for a term of six (6) years; of the Board first appointed, however, three members shall serve for a term of two years; three members for a term of four years, and three members for a term of six years, and upon the expiration of their respective terms their successors shall be appointed for a term of six years. Each Director shall qualify by taking the official oath of office prescribed by law.

Sec. 3-a. The powers and duties herein devolved upon the said District shall be subject to the continuing rights of supervision by the State, which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve or to re-

fuse to approve, (subject to their respective jurisdiction) the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the District for the achievement of the plans and purposes intended in the creation of the District, and which plans contemplate improvements supervised by the respective State authorities under the provisions of the General Law.

Sec. 4. The Board shall select a Secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a Secretary, or in the event of his absence or inability to act, a secretary pro tem shall be selected by the Board. The Board shall also select a General Manager, who shall be the chief executive officer of the District, and a Treasurer, who may also hold the office of Secretary. All such officers shall have such powers and duties, shall hold office for such term and be subject to removal in such manner as may be provided in the by-laws. The Board shall fix the compensation of such officers. The Board may appoint such officers, agents, and employees, fix their compensation and term of office and the method by which they may be removed, and delegate to them such of its powers and duties as it may deem proper.

Sec. 5. The monies of the District shall be disbursed only on checks, drafts, orders or other instruments, signed by such persons as shall be authorized to sign the same by the by-laws or resolution concurred in by not less than five Directors. The General Manager, the Treasurer, and all other officers, agents and employees of the District who shall be charged with the collection, custody or payment of any funds of the District shall give bond conditioned on the faithful performance of their duties and an accounting for all funds and property of the District coming into their respective hands, each of which bonds shall be in form and amount and with a surety (which shall be a surety company authorized to do business in the State of Texas), approved by the Board, and the premiums on such bonds shall be paid by the District and charged as an operating expense.

Sec. 6. The domicile of the District shall be in the City of Eastland, County of Eastland, where the Dis-

trict shall maintain its principal office, in charge of its General Manager. The District shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents and records of the District shall be kept at said principal office. Said accounts and contracts shall be open to public inspection at all reasonable times. The Board shall cause to be made and completed within ninety days after the end of each calendar year, an audit of the books of account and financial records of the District for such calendar year, such audit to be made by an independent Certified Public Accountant or firm of Certified Public Accountants. Copies of a written report of such audit, certified to by said accountant or accountants, shall be placed and kept on file with the Board of Water Engineers, with the Treasurer of the State of Texas, and with the Board of Directors of the Brazos River Conservation and Reclamation District, and at said principal offices, and shall be open to public inspection at all reasonable times.

Sec. 7. No Director, officer, agent or employee of the District shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District, and if any such person shall be or become so interested in any such contract, he shall be guilty of a felony and on conviction thereof shall be subject to a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00) or to confinement in the county jail for not less than one year nor more than ten years, or both.

Sec. 8. Any and every indebtedness, liability or obligation of the District, for the payment of money, however entered into or incurred, and whether arising from contract, implied contract or otherwise, shall be payable solely (1) out of revenue received by the District and not held in trust by virtue of any prior lien or agreement, or (2) if the Board shall so determine, out of any fund received by the District from grants or loans made to the Districts by the United States Government or corporation or agency created or designated by it. And, provided further that no act of the District and/or act of the directors

of said District shall ever create or impose any obligation on the Brazos River Conservation Reclamation District, nor shall the Brazos River Conservation Reclamation District ever be held liable for any debt and/or obligation of the District herein created; nor shall the District hereby created ever be held liable or responsible for any acts or obligations of the Brazos River Conservation and Reclamation District or any other district.

Sec. 9. The District Board herein established is only for the purpose of administering the affairs of the District hereby created, which said District is a subdivision of the Brazos River Conservation and Reclamation District, and the Board's authority shall extend only to the counties in such District. Their acts and powers, however, shall never conflict with the general powers hertofore granted to the Brazos River Conservation and Reclamation District.

Sec. 10. There is hereby appropriated for the use of the District out of any funds in the State Treasury not heretofore otherwise appropriated the sum of Three Thousand (\$3,000.00) Dollars which may be withdrawn from time to time on vouchers signed by the General Manager and Treasurer of the District, upon which the State Comptroller shall draw his warrant upon the Treasury of the State of Texas; amounts withdrawn shall be repaid into the State Treasury out of the first revenues of the District from whatever source derived.

Sec. 11. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 12. The importance of this legislation to the section of the State affected thereby and the fact that the District must act promptly if it is to avail itself of the opportunity of receiving a grant from the Federal Emergency Administration of Public Works creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in

force from and after its passage, and it is so enacted.

DAVISSON of Eastland,

POPE,

LOTIEF,

CLAYTON,

JONES of Wise,

On the part of the House;

COLLIE,

DAVIS,

NELSON,

STONE,

POAGE,

On the part of the Senate.

On motion of Mr. Davisson of Eastland, the report was adopted by the following vote:

Yeas—108

Adamson	Hodges
Adkins	Hofheinz
Alexander	Holland
Alsup	Hoskins
Ash	Huddleston
Beck	Hunt
Bradbury	Hunter
Bradford	Hyder
Burton	Jackson
Butler of Brazos	James
Butler of Karnes	Jefferson
Caldwell	Jones of Wise
Calvert	Keefe
Canon	King
Clayton	Lanning
Colson	Latham
Cooper	Leath
Cowley	Lemens
Daniel	Lindsey
Davis	Lotief
Davisson	Mauritz
of Eastland	McFarland
Dickison	McKee
Duvall	McKinney
Fain	Moffett
Farmer	Moore
Fisher	Morris
Ford	Morrison
Fox	Newton
Frazer	Olsen
Fuchs	Padgett
Gibson	Palmer
Glass	Patterson
Graves	Payne
Gray	Pope
Greathouse	Reed of Dallas
Hankamer	Riddle
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roane
Hartzog	Roark
Herzik	Roberts
Hill	Rogers

Russell
Rutta
Scarborough
Sessions
Shofner
Smith
Spears
Stanfield
Steward
Stinson
Stovall
Tarwater

Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Young
Youngblood

Nays—13

Aikin
Atchison
Broyles
Cagle
Collins
Craddock
Good

Hanna
Knetsch
Lucas
Luker
McCalla
Reed of Bowie

Present—Not Voting

Crossley

Leonard

Absent

Celaya	Jones of Falls
Colquitt	Jones of Shelby
Davison of Fisher	Lange
Dunagan	McConnell
Dunlap of Hays	Morse
Dunlap of Kleberg	Nicholson
Dwyer	Petsch
England	Quinn
Head	Reader
Howard	Venable
Jones of Atascosa	Worley

Absent—Excused

Bergman
Bourne

Fitzwater
Settle

PRESENTATION TO HON. FRED HARRIS

Mr. Butler of Brazos, having been recognized by the Speaker, presented Hon. Fred Harris, on behalf of the members of the House, with a gift.

Mr. Reed of Dallas, on behalf of the members of the House from Dallas County, presented Miss Gussie Hubert with a gift.

Mr. Harris, addressing the House, expressed appreciation for the gifts.
(Speaker in the chair.)

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 24.

Mr. Leonard submitted the following conference committee report on Senate Bill No. 24:

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.
and

Hon. Coke R. Stevenson, Speaker of
the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on Senate Bill No. 24, have had the same under consideration, and beg leave to report back with recommendation that said Senate Bill No. 24 be adopted in the following text and form:

S. B. No. 24.

A BILL

To Be Entitled

An Act making appropriations to certain State Eleemosynary Institutions for the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees; providing for the

manner of supplementing said salaries; providing that if any section, clause, or part of the Act be held invalid, other sections and parts of the Act shall not be affected, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to the several State Eleemosynary Institutions named herein for each of the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees whose salaries were heretofore appropriated and legally fixed for said fiscal years, and which amounts herein appropriated are to be paid in equal monthly installments as hereinafter provided, beginning November 1, 1935, as follows:

ABILENE STATE HOSPITAL

Salary of:	For the Years Ending	
	August 31, 1936	August 31, 1937
Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician	266.00	320.00
Physicians, three, to supplement total salaries of one to \$2,000 and of two to \$1,800 each per year	491.00	590.00
Total, Abilene State Hospital	\$ 957.00	\$ 1,150.00

AUSTIN STATE HOSPITAL

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician	266.00	320.00
Physicians, five, to supplement total salaries of two to \$2,000, and of three to \$1,800 each per year	875.00	1,050.00
Pathologist	250.00	300.00
Total, Austin State Hospital	\$ 1,591.00	\$ 1,910.00

AUSTIN STATE SCHOOL

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician	266.00	320.00
Physician and Pathologist	208.00	250.00
Physician	108.00	130.00
Psychiatrist-Psychologist	500.00	600.00
Total, Austin State School	\$ 1,282.00	\$ 1,540.00

GALVESTON STATE PSYCHOPATHIC HOSPITAL

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician.....	266.00	320.00
Physician	166.00	200.00
Resident Psychiatrist	208.00	250.00
Resident Psychiatrist for new building.....	65.00	130.00
Total, Galveston State Psychopathic Hospital	\$ 905.00	\$ 1,140.00

RUSK STATE HOSPITAL

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician.....	266.00	320.00
Physicians, six, to supplement total salaries of two to \$2,000, and of four to \$1,800 each per year	983.00	1,180.00
Total, Rusk State Hospital.....	\$ 1,449.00	\$ 1,740.00

SAN ANTONIO STATE HOSPITAL

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician.....	266.00	320.00
Physicians, seven, to supplement total sal- aries of three to \$2,000, and of four to \$1,800 each per year.....	1,258.00	1,510.00
Total, San Antonio State Hospital.....	\$ 1,724.00	\$ 2,070.00

TERRELL STATE HOSPITAL

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician.....	266.00	320.00
Physicians, to supplement total salaries of two each of \$2,000, and of others to \$1,800 per year	875.00	1,180.00
Total, Terrell State Hospital.....	\$ 1,341.00	\$ 1,740.00

STATE TUBERCULOSIS SANATORIUM

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician.....	266.00	320.00
Physician for children's hospital.....	208.00	250.00
Physicians, six, to supplement total sal- aries of one to \$2,000, and of five to \$1,800 each per year	816.00	980.00
Total, State Tuberculosis Sana- torium	\$ 1,490.00	\$ 1,790.00

WICHITA FALLS STATE HOSPITAL

Superintendent	\$ 200.00	\$ 240.00
Assistant Superintendent and Physician.....	266.00	320.00
Physicians, six, to supplement total salaries of two to \$2,000, and of four to \$1,800 each per year.....	983.00	1,180.00
Total, Wichita Falls State Hospital.....	\$ 1,449.00	\$ 1,740.00

Sec. 2. There is hereby appropriated the sum of Seventy-five Thousand (\$75,000.00) Dollars, or so much thereof as is necessary, to increase the salaries of the employees in all State Eleemosynary Institutions of the State of Texas as follows: Ten (10%) per cent on the salaries from One (\$1.00) Dollar to Fifty-one (\$51.00) Dollars; Five (5%) per cent on salaries from Fifty-one (\$51.00) Dollars to Seventy-six (\$76.00) Dollars; Three (3%) per cent on salaries from Seventy-six (\$76.00) Dollars to One Hundred (\$100.00) Dollars; all salaries to be increased under this appropriation for employees of the Texas State Eleemosynary Institutions as stated above in every case where no increase was allowed by the Appropriations Bill in the Regular Session of the Forty-fourth Legislature.

These appropriations, made for the purpose of supplementing the current maximum salary appropriations of certain officers and employees of certain State Eleemosynary Institutions, shall be paid subject to the approval of the State Board of Control and subject to all of the general provisions effective for the biennium ending August 31, 1937, now controlling and directing the manner and method of paying State-appropriated salaries of officers and employees at the State Eleemosynary Institutions, with the exception that the amounts herein appropriated are to be used to supplement salaries for the positions herein named and itemized, and the further exception that such supplemental salary appropriations herein made for the fiscal year ending August 31, 1936, shall be paid in ten equal monthly installments, beginning with the month of November, 1935, and such amounts for the fiscal year ending August 31, 1937, shall be paid in twelve equal monthly installments. It is the purpose of this Act to supplement salaries of the Superintendents and Physicians hereinbefore listed in such manner that the same salary schedule as existed during the fiscal year ended August 31, 1933, shall be in effect from November 1, 1935, until September 1, 1937.

Sec. 3. If any section, sentence, clause, or part of this Act shall, for any reason, be held invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the

Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

Sec. 4. The fact that the appropriations made and provided for the fiscal years of the current biennium did not provide increases in salaries for the officers and employees of the State Eleemosynary Institutions, except in several isolated instances, as were provided and appropriated for the higher educational institutions, state departments and other agencies of the government, and the fact that several of the State hospitals cannot obtain a sufficient number of capable physicians at the present appropriated low salaries for these positions, creates an emergency and an imperative public necessity, requiring the constitutional rule, that bills be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

LEONARD,
GOOD,
WOOD
of Montague,
TILLERY,
GRAVES,
On the Part of the House;
BECK,
MARTIN,
HOLBROOK,
COTTEN,
DAVIS,

On the Part of the Senate.

On motion of Mr. Leonard, the report was adopted by the following vote:

Yeas—118

Adamson	Craddock
Adkins	Crossley
Alexander	Daniel
Alsup	Davis
Ash	Davisson
Beck	of Eastland
Bradbury	Dickison
Bradford	Dunagan
Burton	Dunlap of Hays
Butler of Karnes	Dunlap of Kleberg
Calvert	Dwyer
Canon	Fain
Celaya	Fisher
Clayton	Ford
Collins	Fox
Colson	Gibson
Cooper	Glass

Good	Moore
Graves	Morris
Gray	Morrison
Greathouse	Morse
Hankamer	Newton
Hanna	Olsen
Hardin	Padgett
Harris of Archer	Palmer
Harris of Dallas	Patterson
Hartzog	Petsch
Head	Pope
Hill	Quinn
Hodges	Reader
Hofheinz	Reed of Dallas
Holland	Riddle
Hoskins	Roach of Angelina
Huddleston	Roach of Hunt
Hunt	Roark
Hunter	Roberts
Hyder	Rogers
Jackson	Russell
James	Rutta
Jefferson	Scarborough
Jones of Atascosa	Sessions
Jones of Falls	Shofner
Jones of Shelby	Smith
Jones of Wise	Spears
Keefe	Stanfield
King	Steward
Lanning	Stinson
Latham	Stovall
Leath	Tarwater
Lemens	Tennyson
Leonard	Tillery
Lotief	Waggoner
Luker	Walker
Mauritz	Wells
McCalla	Westfall
McConnell	Wood of Harrison
McFarland	Wood of Montague
McKee	Young
McKinney	Youngblood
Moffett	

Nays—9

Aikin	Lindsey
Broyles	Lucas
Cagle	Reed of Bowie
Farmer	Roane
Knetsch	

Absent

Atchison	Fuchs
Butler of Brazos	Herzik
Caldwell	Howard
Colquitt	Lange
Cowley	Nicholson
Davison of Fisher	Payne
Duvall	Thornton
England	Venable
Frazer	Worley

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

CONFERENCE COMMITTEE ON
SENATE BILL NO. 16

The Speaker announced the appointment of the following conference committee on Senate Bill No. 16: Messrs. Moffett, Petsch, Morse, Young and Caldwell.

Mr. Daniel moved that the conference committee be instructed to report a bill to the House, with a tax provision.

Mr. Hankamer raised a point of order on further consideration of the motion by Mr. Daniel, on the ground that the motion to instruct the conferees comes too late, as same has already been appointed.

The Speaker sustained the point of order.

AUTORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 141

Mr. Pope offered the following resolution:

H. C. R. No. 27, Authorizing certain correction in House Bill No. 141.

Whereas, H. B. No. 141 has passed the House of Representatives and the Senate and is now in the enrolling room; and

Whereas, In the amending of the body of the bill, the caption was not amended to conform with the body of the bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk be authorized to correct the caption of H. B. No. 141 to conform to the body of the bill.

The resolution was read second time, and was adopted.

RECESS

On motion of Mr. Cooper, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

TO SUSPEND CERTAIN JOINT
RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 12, To suspend certain Joint Rules to consider Senate Bill No. 72.

Whereas, We are rapidly approaching adjournment of this First Called Session of the Forty-fourth Legislature; and

Whereas, Senate Bill No. 72 and Senate Bill No. 55 as passed by the Senate, are pending on the House of Representatives calendar; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Joint Rules Nos. 11, 22, 23, 24 and 32, and all other rules with reference to the consideration and passage of the said Senate Bill No. 72 and Senate Bill No. 55 be, and they are hereby suspended.

The resolution was read second time, and was adopted.

SENATE BILL NO. 72 ON SECOND READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 72 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson	Fuchs
Aikin	Gibson
Alsup	Glass
Atchison	Good
Beck	Gray
Broyles	Greathouse
Burton	Hardin
Butler of Brazos	Harris of Archer
Butler of Karnes	Harris of Dallas
Calvert	Hartzog
Canon	Head
Clayton	Hodges
Collins	Hofheinz
Cooper	Holland
Craddock	Hoskins
Daniel	Howard
Davis	Huddleston
Dickison	Hunt
Dunagan	Hyder
Dunlap of Kleberg	Jackson
Dwyer	James
Fain	Jefferson
Farmer	Jones of Falls
Fisher	Jones of Shelby
Ford	Jones of Wise
Fox	Keefe
Frazer	Knetsch

Latham	Roark
Leonard	Roberts
Lindsey	Rogers
Lucas	Rutta
Luker	Scarborough
Mauritz	Sessions
McCalla	Shofner
McConnell	Smith
McFarland	Spears
McKinney	Stanfield
Moffett	Steward
Moore	Stinson
Morrison	Stovall
Morse	Tarwater
Newton	Thornton
Nicholson	Tillery
Olsen	Waggoner
Patterson	Walker
Payne	Wells
Pope	Westfall
Quinn	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Worley
Roach of Angelina	Young
Roach of Hunt	Youngblood

Absent

Adkins	Hill
Alexander	Hunter
Ash	Jones of Atascosa
Bradbury	King
Bradford	Lange
Cagle	Lanning
Celaya	Leath
Colquitt	Lemens
Colson	Lotief
Cowley	McKee
Crossley	Morris
Davison of Fisher	Padgett
Davisson	Palmer
of Eastland	Reader
Duvall	Riddle
England	Roane
Graves	Russell
Hankamer	Tennyson
Hanna	Venable
Herzik	

Absent—Excused

Bergman	Fitzwater
Bourne	Petsch
Caldwell	Settle
Dunlap of Hays	

The Speaker laid before the House, (in compliance with Senate Concurrent Resolution No. 12) on its second reading and passage to third reading,

S. B. No. 72, A bill to be entitled "An Act validating, ratifying and confirming the election of trustees, all acts of such trustees, the ordering of election in certain independent school districts for the purpose

of issuing bonds, the issuance and sale of such bonds, and levy and assessment of taxes in such districts for the purpose of liquidating such bonds in all independent school districts in the State of Texas heretofore created by an Act or Acts of the Legislature, providing for the election of three trustees in such districts, in which in fact seven trustees have been elected, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 72 ON THIRD READING

The Speaker then laid Senate Bill No. 72 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson	Hofheinz
Aikin	Holland
Alsup	Hoskins
Ash	Howard
Atchison	Huddleston
Bradford	Hunt
Broyles	Hyder
Burton	Jackson
Butler of Karnes	James
Calvert	Jefferson
Canon	Jones of Falls
Clayton	Jones of Shelby
Cooper	Jones of Wise
Craddock	Knetsch
Daniel	Latham
Davis	Lemens
Dickison	Leonard
Dunagan	Lindsey
Dwyer	Lotief
Fain	Lucas
Farmer	Luker
Fisher	Mauritz
Ford	McCalla
Fox	McConnell
Frazer	McFarland
Fuchs	McKinney
Gibson	Moffett
Glass	Moore
Good	Morris
Gray	Morrison
Greathouse	Morse
Hardin	Newton
Harris of Archer	Nicholson
Harris of Dallas	Olsen
Hartzog	Patterson
Head	Payne
Herzik	Quinn
Hodges	Reader

Reed of Bowie	Stinson
Roach of Angelina	Stovall
Roach of Hunt	Tarwater
Roark	Thornton
Roberts	Tillery
Rogers	Waggoner
Rutta	Walker
Scarborough	Wells
Sessions	Westfall
Shofner	Wood of Harrison
Smith	Wood of Montague
Spears	Worley
Stanfield	Young
Steward	Youngblood

Present—Not Voting

Cagle	Roane
Collins	

Absent

Alexander	Hanna
Adkins	Hill
Beck	Hunter
Bradbury	Jones of Atascosa
Butler of Brazos	Keefe
Celaya	King
Colquitt	Lange
Colson	Lanning
Cowley	Leath
Crossley	McKee
Davison of Fisher	Padgett
Davisson	Palmer
of Eastland	Pope
Dunlap of Kleberg	Reed of Dallas
Duvall	Riddle
England	Russell
Graves	Tennyson
Hankamer	Venable

Absent—Excused

Bergman	Fitzwater
Bourne	Petsch
Caldwell	Settle
Dunlap of Hays	

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 19

Mr. Good, chairman, submitted the following conference committee report on Senate Bill No. 19:

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on Senate Bill No. 19, have

had same under consideration, and beg leave to report it back with recommendation that said Senate Bill No. 19 be adopted in text and form hereto attached.

S. B. No. 19.

A BILL

To Be Entitled

An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas to supplement appropriations made by the Regular Session of the 43rd Legislature for the maintenance and administration of the Judiciary and to pay expenses of attached witnesses and witness in felony cases; to pay deficiency certificates already issued against such appropriations and those claims which may accrue against such appropriations in the future; making an appropriation to pay all deficiency certificates of the Governor of the State of Texas for the year ended August 31, 1935; making an appropriation to pay deficiencies in the appropriation made to the Court of Civil Appeals of the Fourth Supreme Judicial District of the State of Texas, at San Antonio, Texas; making an appropriation to pay for additional books for the State's Attorney before the Court of Criminal Appeals; making an appropriation for the establishment, improvement and repair of office space in the State Capitol, for use by the State Board of Education; making an appropriation to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of

the Highway Fund; providing further that payments shall be made after audit of claim shall have been made by the State Auditor and/or Comptroller and approved by the Attorney General; making appropriation to the Governor to pay expenses of returning fugitives on Governor's requisitions; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby appropriated Two Hundred Thousand (\$200,000.00) Dollars out of any money in the State Treasury not otherwise appropriated, to supplement appropriations made by the Regular Session of the 43rd Legislature:

"For fees and costs of sheriffs, attorneys and clerks in felony cases and for fees accruing to fee officers in examining trials and for expenses of attached witnesses and witness fees allowed in felony cases for the fiscal year ending August 31, 1935, and to pay deficiency certificates already issued against such appropriations and for claims which may accrue against such appropriations in the future."

Sec. 2. There is hereby appropriated out of the Treasury of the State of Texas, of funds not otherwise appropriated, the sum of Forty-Eight Thousand Three Hundred Eleven Dollars and Ninety-eight Cents (\$48,311.98), or so much thereof as may be necessary, to pay deficiency certificates issued by the Governor of the State of Texas for the fiscal year ended August 31, 1935, for which no appropriation has been made; specific items to be paid are as follows:

Department or Institution	Amount	
Adjutant General	\$ 2,500.00	
Adjutant General	1,000.00	
Adjutant General	4,000.00	
		<hr/>
		\$ 7,500.00
A & M College	585.00	
		<hr/>
		585.00
State Auditor	750.00	
State Auditor	500.00	
State Auditor	750.00	
State Auditor	2,000.00	
		<hr/>
		4,000.00

Department or Institution	Amount	
Banking Commission	13.03	
Banking Commission	268.50	
Banking Commission	1,800.00	
		2,081.53
Board of Control	700.00	
		700.00
Executive Department	350.00	
Executive Department	250.00	
Executive Department	3,500.00	
		4,100.00
Health Department	200.00	
Health Department	500.00	
Health Department	200.00	
		900.00
Industrial Accident Board	600.00	
Industrial Accident Board	350.00	
Industrial Accident Board	150.00	
		1,100.00
Lower Colorado River Authority	5,000.00	
		5,000.00
Reclamation Engineers	800.00	
		800.00
Texas Civil Judicial Council	450.00	
		450.00
Water Engineers	1,400.00	
Water Engineers	5,000.00	
		6,400.00
West Texas State Teachers College—Canyon	9,495.45	
West Texas State Teachers College	1,700.00	
		11,195.45
Attorney General	3,500.00	
		3,500.00
	\$48,311.98	\$48,311.98

Sec. 3. There is hereby appropriated out of the Treasury of the State of Texas, of funds not otherwise appropriated, the sum of Five Hundred (\$500.00) Dollars, or so much thereof as may be necessary, to pay deficiencies in the appropriation of the Court of Civil Appeals of the Fourth Supreme Judicial District of the State of Texas, at San Antonio, Texas, for the fiscal year ended August 31, 1935, said appropriation being to cover books and

miscellaneous expense approved by said court.

Sec. 4. There is hereby appropriated out of the Treasury of the State of Texas, of funds not otherwise appropriated, the sum of Five Hundred (\$500.00) Dollars, or so much thereof as may be necessary, to pay for books for the State's Attorney before the Court of Criminal Appeals of Texas.

Sec. 5. There is hereby appropriated out of the Treasury of the State

of Texas, of funds not otherwise appropriated, the sum of Five Hundred (\$500.00) Dollars, or so much thereof as may be necessary, for the purpose of establishing, improving and repairing office space in the basement of the State Capitol Building, for the use of the State Board of Education.

Sec. 6. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay miscellaneous claims against the State of Texas as herein enumerated:

To pay Atlas Pipe Line Co. Inc. of Shreveport, Louisiana, refund of overpayment of franchise tax	\$ 232.80
To pay Brazos Valley Cotton Mills, West, Texas, refund of overpayment of franchise tax	1,129.30
To pay the Deiter Bookbinding Co. of Denver, Colorado, Treasury Warrant No. 122567, dated April 25, 1932, on which payment prohibited by limitation	6.80
To pay S. B. Carr, District Judge 81st Judicial District on exchange of benches with Gus Gail, 36th District Court, and Harry Howard, 37th District Court, dated August 30, 1935.....	45.00
To pay Lewis H. Jones, Corpus Christi, Texas, for services performed as Special Associate Justice of the Court of Civil Appeals, Fourth Supreme Judicial District of Texas, at San Antonio, Texas, in No. 9567	218.88
To pay E. B. Kinsey, Fort Worth, Texas, services as a court reporter of 15,080 words at 10¢ per word.....	15.08
To pay William Morrow and Co., New York, Treasury Warrant No. 163271, dated July 15, 1932, on which payment prohibited by limitation	1.75
To pay Earle North Buick Co., Houston, Texas, Treasury Warrant No. 135522, dated May 18, 1932, on which payment prohibited by limitation	97.75
To pay Judge J. P. Pool, Victoria, Texas, actual expenses incurred while acting as Judge of the Twenty-third Judicial District of Texas	7.00
To pay Sam Pugh, West, Texas, Treasury Warrant No. 44884, dated January 8, 1931, on which payment prohibited by limitation	63.75
To pay Chas. W. Ray, Jefferson, Texas, refund of overpayment of State taxes	8.83
To pay Garland Smith, Jasper, Texas, one day's service as Special District Judge of the District Court of Jasper County, Texas....	10.95
To pay R. B. Stanford, Waco, Texas, services rendered as Special Chief Justice of the Court of Civil Appeals for the Tenth Supreme Judicial District in Cause No. 1580.....	164.25
To pay Texas Star Flour Mills, Galveston, Texas, refund of overpayment of franchise tax	4,002.82
To pay Nelson W. Willard, Lubbock, Texas, refund of overpayment of State taxes	183.72
To pay Kirby, King & Overshiner, Abilene, Texas, attorneys' fees in the case of State of Texas versus, Estate of F. B. Gillette.....	232.00
To pay Guy L. Kowalski, Kingsville, Texas, for collecting delinquent taxes for Kenedy County, Texas.....	218.28
To pay Apolinar L. Garcia, Alpine, Texas, refund beer license.....	83.30
To pay W. A. Priest, Sheriff, Winkler County, Texas, fees in felony cases	276.40
To pay DeWitt Bowmer, Temple, Texas, serving 10 days as Special Associate Justice of the Supreme Court of Texas.....	109.60
To pay J. C. Penney Company, refund filing fee	2,500.00

To pay A. E. Nauwald, Menard, Texas, refund occupation tax.....	70.00
To pay Luckenbach Hardware Company, Menard, Texas, refund occupation tax	60.00
To pay B. E. Alexander, Lubbock, Texas, transcript fees as official court reporter in Cause No. 104 of the District Court of Hockley County, Texas, The State of Texas vs. Ben C. Alsup.....	28.00
To pay American Supply Company, Mexia, Texas, accounts against State Park Board	639.89
To pay W. F. & J. F. Barnes Lumber Company, Lampasas, Texas, account against State Park Board	406.50
To pay A. S. Baskett, Dallas, Texas, salary for 19 days for serving as Special District Judge	208.21
To pay Harvey C. Brown, Abilene, Texas, transcript fees as Official Court Reporter in Cause No. 3311 of the District Court of Callahan County, Texas, The State of Texas vs. Mary Lou Howell	19.72
To pay Harvey C. Brown, Abilene, Texas, transcript fees as Official Court Reporter in Cause No. 6682-A of the District Court of Taylor County, Texas, The State of Texas vs. Bryan Weaver.....	22.48
To pay Harvey C. Brown, Abilene, Texas, transcript fees as Official Court Reporter in Cause No. 6697-A of the District Court of Taylor County, Texas, The State of Texas vs. Joe Pitts.....	15.06
To pay T. P. Buffington, Navasota, Texas, salary for four days for serving as Special District Judge	43.80
To pay John Chromcak, Louise, Texas, refund for double payment ad valorem taxes	16.76
To pay W. M. Davis, Austin, Texas, Treasury Warrant No. 167015, dated May 31, 1933, on which payment is prohibited by statute of limitation	189.00
To pay Miss Azile Dierlam, Groesbeck, Texas, transcript fees as Official Court Reporter in Cause No. 6456-A of the District Court of Freestone County, Texas, The State of Texas vs. Cecil Epps	20.00
To pay Dixie Motor Coach Corporation, duplicate Treasury Warrant No. 182766, dated June 19, 1933, on which payment is prohibited by statute of limitation	367.45
To pay Delos Finch, San Antonio, Texas, for serving 57 days as Special District Judge	625.29
To pay First National Bank, Winters, Texas, Treasury Warrant No. 10512, dated October 24th, 1922, on which payment is prohibited by statute of limitation	4.06
To pay Harry V. Fisher, Alpine, Texas, for serving 4 days as Special District Judge	43.80
To pay Fox-Schmidt, Austin, Texas, account against State Park Board	887.60
To pay General American Finance System, Duplicate Treasury Warrant No. 179185, dated June 19, 1933, on which payment is prohibited by statute of limitation	150.00
To pay Mrs. Inez Pool, El Paso, Texas, Treasury Warrant No. 133242, dated August 31, 1931, for the sum of \$416.74; Treasury Warrant No. 9283, dated September 30, 1931, for the sum of \$416.66; Treasury Warrant No. 25261, dated October 31, 1931, for the sum of \$416.66; Treasury Warrant No. 55981, dated November 31, 1931, for the sum of \$416.66; Treasury Warrant No. 72761, dated January 30, 1932, for the sum of \$416.66; Treasury Warrant No. 104487, dated March 31, 1932, for the sum of \$416.66; Treasury Warrant No. 113417, dated April 30, 1932, for the sum of \$416.66; on which payments are prohibited by the statute of limitation	2,916.70

To pay Mrs. S. S. Heard, San Antonio, Texas, for services as secretary of the Board of Supervisors of the State Penitentiaries ...	447.00
To pay Huey & Philp Hardware Company, Dallas, Texas, account against State Park Board	253.26
To pay C. A. Leddy, Jr., Corsicana, Texas, transcript fees as Official Court Reporter in Cause No. 15535 of the District Court of Navarro County, Texas, The State of Texas vs. J. T. Perry....	25.50
To pay Grady Lowrey, Del Rio, Texas, for serving 30 days as Special District Judge	328.80
To pay J. T. McMillin, Dallas, Texas, Treasury Warrant No. 82177, dated January 31, 1933, on which payment is prohibited by the statute of limitation	416.66
To pay Norman C. Minter, Amarillo, Texas, transcript fees as Official Court Reporter in Cause No. 631 of the District Court of Potter County, Texas, The State of Texas vs. Noble Guthrie ..	26.20
To pay E. O. Moffett, San Antonio, Texas, transcript fees as Official Court Reporter in Cause No. 41703 of the Criminal District Court of Bexar County, Texas, The State of Texas vs. Pedro Villareal	34.73
To pay E. O. Moffett, San Antonio, Texas, transcript fees as Official Court Reporter in Cause No. 41448 of the Criminal District Court of Bexar County, Texas, The State of Texas vs. Jimmie Scott	24.59
To pay Mrs. Vanoda E. Nelson, Young County, Texas, Administratrix of the Estate of J. H. Nelson, deceased, Treasury Warrant No. 116537, dated April 14, 1932, on which payment is prohibited by the statute of limitation	5.52
To pay Ship Channel Machine Shops refund franchise tax	116.60
To pay W. Van Sickle, Alpine, Texas, for serving 4 days as Special District Judge	43.80
To pay Swift & Company, New Orleans, Louisiana, account against State Park Board	780.00
To pay Swift Gin Company, Stamford, Texas, refund franchise tax	84.00
To pay Texas Toro Company, Fort Worth, Texas, account against State Park Board	799.60
To pay The A. Lietz Company, San Francisco, California, Treasury Warrant No. 181098, dated August 22, 1932, on which payment is prohibited by the statute of limitation	3.10
To pay Mrs. J. M. Washam, Treasury Warrant No. 190669, dated July 5, 1933, on which payment is prohibited by the Statute of limitation	36.00
To pay W. C. Wofford, Williamson County, Texas, Warrant No. 18164, dated July 5, 1928, issued by Mrs. Jane Y. McCallum, then Secretary of State, on which payment is prohibited by the statute of limitation	55.20

Sec. 7. That the following sums of money, or so much thereof as may be necessary, be paid out of the fund of the Texas Highway Department:

To pay Harry Keeton, Fort Worth, Texas, refund truck license....	63.47
To pay A. D. Rowlett, Austin, Texas, refund of Motor Bus Seat Tax collected under invalid law	112.00

Sec. 8. That the Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms, or corporations named in Sections 6 and 7 herein, in the amounts set opposite their respective names, and shall mail or deliver to each of said persons, firms, or corporations at their said respective addresses warrant or warrants in payment of said claim or claims, and said persons, firms, or corporations shall duly re-

ceipt the Comptroller for said warrant or warrants for payment of said claim or claims.

Sec. 9. Provided, however, none of the moneys herein appropriated in Sections 1, 6 and 7 of this Act shall be paid until each item and/or items shall have been audited by the State Auditor and Efficiency Expert, and/or State Comptroller, and approved by the Attorney General.

Sec. 10. To pay to the Governor out of the General Revenue Fund to pay expenses of returning fugitives where requisitions actually heretofore issued by the Governor; such expenses to be paid solely on the Governor's written approval, including the State Auditor's approval as to the accuracy only of amounts; specific bills of such expenses to be paid are as follows:

To pay C. H. Henson, ex-Sheriff of Delta County, Texas.....	\$ 118.35
To pay R. C. Mosley, Sheriff of Harrison County, Texas.....	96.04
To pay John S. Bond, Sheriff, Palo Pinto County, Texas.....	276.65
To pay J. L. Hazlett, Sheriff, Houston County, Texas.....	95.70
To pay W. O. Hale, Sheriff, Brewster County, Texas.....	149.34

Sec. 11. The fact that the Legislature failed to make appropriations for the above items, and the further fact that the claims herein appropriated for are past due and the persons, firms and corporations to whom same are payable are being deprived of the proceeds thereof, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Respectfully submitted,

GOOD,
SHOFNER,
STINSON,
ROBERTS,

On the Part of the House.

WOODRUFF,
SMALL,
REGAN,
BECK,
REDDITT,

On the Part of the Senate.

Mr. Good moved that the report be adopted.

Mr. Reed of Bowie moved that the report be not adopted.

Mr. Rogers moved to table the motion by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Alexander
Alsup

Atchison .
Beck

Bradbury	Latham
Bradford	Leath
Burton	Lemens
Butler of Karnes	Leonard
Caldwell	Lindsey
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Crossley	McFarland
Daniel	Moore
Davis	Morris
Davisson	Morrison
of Eastland	Nicholson
Dickison	Padgett
Dunlap of Hays	Patterson
Dunlap of Kleberg	Payne
Dwyer	Reader
Ford	Reed of Dallas
Fox	Roberts
Fuchs	Rogers
Gibson	Rutta
Good	Scarborough
Graves	Sessions
Hankamer	Shofner
Harris of Archer	Smith
Herzik	Spears
Hodges	Steward
Holland	Stinson
Howard	Tarwater
Hunt	Waggoner
Hyder	Walker
Jackson	Wells
James	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Knetsch	Youngblood
Lanning	

Nays—40

Adamson	Cagle
Adkins	Canon
Aikin	Cowley
Broyles	Craddock

Davison of Fisher	Luker
England	McKee
Fain	McKinney
Farmer	Moffett
Fisher	Newton
Gray	Olsen
Greathouse	Pope
Hanna	Reed of Bowie
Hardin	Roach of Hunt
Head	Roane
Hofheinz	Roark
Huddleston	Russell
Hunter	Stovall
King	Tennyson
Lotief	Tillery
Lucas	Westfall

Absent

Ash	Hoskins
Butler of Brazos	Jefferson
Calvert	Jones of Atascosa
Colquitt	Keefe
Colson	Lange
Cooper	Palmer
Dunagan	Quinn
Duvall	Riddle
Frazer	Roach of Angelina
Glass	Stanfield
Harris of Dallas	Thornton
Hartzog	Venable
Hill	

Absent—Excused

Bergman	Morse
Bourne	Petsch
Fitzwater	Settle

Mr. Greathouse moved to table the conference committee report on Senate Bill No. 19.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—39

Adamson	Huddleston
Aikin	Hunter
Broyles	King
Cagle	Lemens
Canon	Lotief
Craddock	Lucas
Davison of Fisher	Luker
England	McKee
Farmer	McKinney
Fisher	Moffett
Gray	Newton
Greathouse	Nicholson
Hanna	Olsen
Hardin	Pope
Harris of Archer	Reed of Bowie
Hofheinz	Roach of Hunt
Howard	Russell

Scarborough	Tennyson
Smith	Tillery
Stovall	

Nays—80

Adkins	Jones of Falls
Alexander	Jones of Shelby
Alsup	Jones of Wise
Atchison	Knetsch
Beck	Lanning
Bradbury	Latham
Bradford	Leath
Burton	Leonard
Butler of Karnes	Lindsey
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Cowley	McFarland
Crossley	Moore
Daniel	Morris
Davis	Morrison
Davisson	Padgett
of Eastland	Patterson
Dickison	Payne
Dunlap of Kleberg	Reader
Dwyer	Reed of Dallas
Fain	Roane
Ford	Roark
Fox	Roberts
Frazer	Rogers
Fuchs	Rutta
Gibson	Sessions
Good	Shofner
Graves	Spears
Hankamer	Steward
Head	Stinson
Herzik	Waggoner
Hill	Walker
Hodges	Wells
Holland	Westfall
Hoskins	Wood of Harrison
Hunt	Wood of Montague
Hyder	Worley
Jackson	Young
James	Youngblood
Jefferson	

Absent

Ash	Jones of Atascosa
Butler of Brazos	Keefe
Calvert	Lange
Colquitt	Palmer
Colson	Quinn
Cooper	Riddle
Dunagan	Roach of Angelina
Duvall	Stanfield
Glass	Tarwater
Harris of Dallas	Thornton
Hartzog	Venable

Absent—Excused

Bergman	Fitzwater
Bourne	Morse
Caldwell	Petsch
Dunlap of Hays	Settle

The conference committee report on Senate Bill No. 19 was then adopted by the following vote:

Yeas—80

Adkins	Jones of Falls
Alexander	Jones of Shelby
Alsup	Jones of Wise
Atchison	King
Beck	Lanning
Bradbury	Latham
Bradford	Leath
Burton	Leonard
Butler of Karnes	Lindsey
Celaya	Mauritz
Clayton	McCalla
Collins	McFarland
Crossley	Moore
Daniel	Morris
Davis	Morrison
Davisson	Olsen
of Eastland	Padgett
Dickison	Patterson
Dunlap of Kleberg	Payne
Dwyer	Petsch
England	Reader
Ford	Reed of Dallas
Fox	Roark
Fuchs	Roberts
Gibson	Rogers
Glass	Rutta
Good	Sessions
Graves	Shofner
Hankamer	Spears
Harris of Archer	Steward
Head	Stinson
Herzik	Tarwater
Hodges	Thornton
Holland	Waggoner
Hoskins	Walker
Hunt	Wells
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Young
Jefferson	Youngblood
Jones of Atascosa	

Nays—39

Adamson	Hill
Aikin	Hofheinz
Broyles	Howard
Cagle	Huddleston
Canon	Hunter
Craddock	Knetsch
Davison of Fisher	Lotief
Fain	Lucas
Farmer	Luker
Fisher	McKee
Frazer	McKinney
Gray	Moffett
Greathouse	Newton
Hanna	Nicholson
Hardin	Pope

Reed of Bowie
Roach of Hunt
Roane
Russell
Scarborough

Smith
Tennyson
Tillery
Westfall

Absent

Ash	Lange
Butler of Brazos	Lemens
Calvert	McConnell
Colquitt	Palmer
Colson	Quinn
Cooper	Riddle
Cowley	Roach of Angelina
Dunagan	Stanfield
Duvall	Stovall
Harris of Dallas	Venable
Hartzog	Worley
Keefe	

Absent—Excused

Bergman	Fitzwater
Bourne	Morse
Caldwell	Settle
Dunlap of Hays	

SENATE BILL NO. 27 ON THIRD READING

Mr. Spears moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adkins	England
Alexander	Fain
Alsup	Fisher
Atchison	Ford
Beck	Fox
Bradbury	Frazer
Bradford	Fuchs
Burton	Gibson
Butler of Karnes	Good
Caldwell	Graves
Canon	Gray
Celaya	Greathouse
Clayton	Hankamer
Collins	Hardin
Cowley	Harris of Archer
Craddock	Harris of Dallas
Crossley	Head
Daniel	Herzik
Davison of Fisher	Hill
Davisson	Hodges
of Eastland	Hofheinz
Dickison	Holland
Dunlap of Kleberg	Hoskins
Duvall	Howard
Dwyer	Huddleston

Hunt	Olsen
Hunter	Padgett
Hyder	Palmer
Jackson	Payne
James	Pope
Jefferson	Reader
Jones of Atascosa	Reed of Dallas
Jones of Falls	Riddle
Jones of Shelby	Roane
Jones of Wise	Roberts
King	Rogers
Knetsch	Rutta
Lanning	Scarborough
Latham	Sessions
Leath	Shofner
Leonard	Smith
Lindsey	Spears
Lotief	Steward
Mauritz	Stinson
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Worley
Morse	Young
Newton	Youngblood
Nicholson	

Nays—19

Adamson	McCalla
Aikin	Reed of Bowie
Broyles	Roach of Hunt
Cagle	Roark
Davis	Russell
Farmer	Tillery
Glass	Waggoner
Hanna	Walker
Lucas	Wood of Montague
Luker	

Absent

Ash	Lange
Butler of Brazos	Lemens
Calvert	Morrison
Colquitt	Patterson
Colson	Quinn
Cooper	Roach of Angelina
Dunagan	Stanfield
Hartzog	Stovall
Keefe	Venable

Absent—Excused

Bergman	Fitzwater
Bourne	Petsch
Dunlap of Hays	Settle

The Speaker then laid Senate Bill No. 27 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—90

Adkins	Jones of Shelby
Alexander	Jones of Wise
Alsup	King
Ash	Knetsch
Bradbury	Lanning
Bradford	Latham
Butler of Karnes	Leath
Caldwell	Leonard
Celaya	Lindsey
Clayton	Mauritz
Cowley	McConnell
Daniel	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
Dunlap of Kleberg	Morse
Duvall	Newton
Dwyer	Nicholson
England	Olsen
Fain	Padgett
Fisher	Patterson
Ford	Payne
Fox	Pope
Frazer	Quinn
Fuchs	Reader
Good	Reed of Dallas
Graves	Roane
Gray	Roberts
Greathouse	Rogers
Hankamer	Rutta
Harris of Archer	Sessions
Harris of Dallas	Smith
Head	Spears
Herzik	Steward
Hill	Stinson
Hodges	Tarwater
Holland	Tennyson
Hoskins	Thornton
Howard	Walker
Hunt	Wells
Hyder	Westfall
Jackson	Worley
Jefferson	Young
Jones of Atascosa	Youngblood
Jones of Falls	

Nays—40

Adamson	Gibson
Aikin	Glass
Atchison	Hanna
Beck	Hardin
Broyles	Hofheinz
Burton	Huddleston
Cagle	Hunter
Canon	James
Collins	Lotief
Colquitt	Lucas
Craddock	Luker
Crossley	McCalla
Davis	Morris
Farmer	Morrison

Reed of Bowie	Shofner
Riddle	Stovall
Roach of Hunt	Tillery
Roark	Waggoner
Russell	Wood of Harrison
Scarborough	Wood of Montague

Absent

Butler of Brazos	Lange
Calvert	Lemens
Colson	Palmer
Cooper	Roach of Angelina
Dunagan	Stanfield
Hartzog	Venable
Keefe	

Absent—Excused

Bergman	Fitzwater
Bourne	Petsch
Dunlap of Hays	Settle

Mr. Spears moved to reconsider the vote by which the Senate Bill No. 27 was passed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—90

Adkins	Hankamer
Alexander	Harris of Archer
Alsup	Harris of Dallas
Bradbury	Head
Bradford	Hill
Butler of Karnes	Hodges
Caldwell	Holland
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Cowley	Hyder
Crossley	Jackson
Daniel	Jefferson
Davison of Fisher	Jones of Atascosa
Davison	Jones of Falls
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	King
Dunlap of Kleberg	Knetsch
Duvall	Lanning
Dwyer	Latham
England	Leath
Fain	Lindsey
Fisher	Mauritz
Ford	McConnell
Fox	McFarland
Frazer	McKee
Fuchs	McKinney
Good	Moore
Graves	Morse
Gray	Newton
Greathouse	Nicholson

Olsen	Shofner
Padgett	Spears
Patterson	Steward
Payne	Stinson
Pope	Tarwater
Quinn	Tennyson
Reader	Thornton
Reed of Dallas	Walker
Riddle	Wells
Roane	Westfall
Roberts	Worley
Rogers	Young
Rutta	Youngblood
Sessions	

Nays—35

Adamson	Hunter
Aikin	Lotief
Atchison	Lucas
Beck	Luker
Broyles	McCalla
Burton	Morris
Cagle	Morrison
Collins	Reed of Bowie
Craddock	Roach of Hunt
Davis	Roark
Farmer	Russell
Gibson	Scarborough
Glass	Stovall
Hanna	Tillery
Hardin	Waggoner
Herzik	Wood of Harrison
Hofheinz	Wood of Montague
Hunt	

Absent

Ash	Keefe
Butler of Brazos	Lange
Calvert	Lemens
Colquitt	Palmer
Colson	Roach of Angelina
Cooper	Smith
Hartzog	Stanfield
James	Venable

Absent—Excused

Bergman	Leonard
Bourne	Moffett
Dunlap of Hays	Petsch
Fitzwater	Settle

CONCERNING REPORT OF COMMITTEE TO INVESTIGATE MILK INDUSTRY

Mr. Russell offered the following resolution:

Whereas, The House of Representatives at the Regular Session created a committee to investigate the milk industry of the State of Texas; and

Whereas, This committee has made a partial investigation of the milk industry of the State of Texas; and

Whereas, This committee was instructed to report back to the House of Representatives at this Session; and

Whereas, This committee has finished taking its testimony, but has not yet finished its report; now, therefore, be it

Resolved by the House of Representatives, That the House grant this committee permission to make its report at the next Called Session of the Forty-fourth Legislature.

RUSSELL,
JONES of Wise,
BUTLER of Karnes,
FAIN,
HARDIN.

The resolution was read second time, and was adopted.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, October 15, 1935.
To the Members of the Forty-fourth Legislature.
(In First Called Session):

Today automatically brings to an end the First Called Session of this Legislature.

Several days ago it became apparent that, due to the congested condition of the calendar and the magnitude of the problems voted on August 24th, you would not be able to enact a workable old age pension law with revenues to support same during the remainder of this First Called Session. In justice to you and to the people I consider it imperative to call you immediately into a Second Called Session.

I have this day issued a proclamation, copy of which is attached, convening the Legislature into extraordinary session tomorrow, October 16, 1935, at 12 o'clock noon. I ask that this proclamation be read along with this message in order that each member of the Legislature may be personally advised as to the convening of such special session.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

PROCLAMATION

By the Governor of the State of Texas.

To All To Whom These Presents Shall Come:

On August 24, 1935, the people of Texas voted to change the Constitution of Texas by adopting a new section to be known as Section 51-b, authorizing the Legislature, under certain limitations, to provide for old age assistance, not to exceed \$15.00 per month each, to bona fide citizens of Texas over the age of 65 years.

On September 16, 1935, the Legislature of Texas was called in special session for the purpose, among other things, of carrying out the will of the people by providing a system of old age pensions and revenues to support same. Other important matters voted by the people were also incorporated in the call, however, and several days ago it became apparent that the Legislature would not be able at the First Called Session to enact an old age pension statute and provide revenues for same.

The First Called Session of the Forty-fourth Legislature automatically expires today and I consider it my duty in justice to the people and members of the Legislature, to call another special session to carry out the expressed mandate of the people in regard to old age pensions.

Now, therefore, I, James V. Allred, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution and Laws of this State, hereby call the

SECOND SPECIAL SESSION

of the Forty-fourth Legislature, to be convened in the City of Austin, commencing at 12 o'clock noon on Wednesday, the 16th day of October, A. D., 1935, for the following purposes:

1. To provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old age assistance and for the payment of same not to exceed \$15.00 per month each to actual bona fide citizens of Texas who are over the age of 65 years, and in all things to carry out the will of the people as expressed by the adoption of House Joint Resolution 19, which provided for an amendment to Article 3 of the Constitution of Texas by adopting a

new section to be known as Section 51-b.

2. To provide necessary revenue for such old age assistance.

3. To consider and act on such other subjects of public importance as the Governor may, from time to time during the session, submit by message.

In Testimony Whereof,

I hereunto sign my name and cause to be impressed hereon the Seal of the State of Texas at Austin, this the 15th day of October, A. D., 1935.

JAMES V. ALLRED,
Governor of Texas.

MESSAGES FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on Senate Bill No. 64 by the following vote:

Yeas 29, nays 1.

Adopted

H. C. R. No. 26, Correcting House Bill No. 125.

H. C. R. No. 27, Correcting House Bill No. 141.

Adopted the conference committee report on Senate Bill No. 19 by the following vote:

Yeas 30, nays 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 143 ON SECOND READING

Mr. Frazer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 143 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90

Adamson	Bradford
Adkins	Burton
Alexander	Butler of Brazos
Alsup	Butler of Karnes
Ash	Calvert
Atchison	Canon
Bradbury	Celaya

Cooper	Lotief
Cowley	Lucas
Craddock	Luker
Crossley	McCalla
Davis	McConnell
Davisson	McKee
of Eastland	McKinney
Fain	Morris
Farmer	Morrison
Fisher	Morse
Ford	Newton
Fox	Olsen
Frazer	Padgett
Fuehs	Patterson
Gibson	Payne
Glass	Pope
Good	Reader
Graves	Reed of Dallas
Gray	Riddle
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Hartzog	Roberts
Herzik	Rogers
Hill	Russell
Hodges	Rutta
Hoskins	Smith
Howard	Steward
Huddleston	Stinson
Hunter	Stovall
Hyder	Tarwater
James	Thornton
Jefferson	Venable
Jones of Falls	Waggoner
Jones of Wise	Westfall
Knetsch	Wood of Harrison
Latham	Wood of Montague
Leath	Youngblood
Lemens	

Nays—22

Aikin	McFarland
Beck	Nicholson
Broyles	Palmer
Cagle	Roane
Collins	Scarborough
Dickison	Sessions
England	Shofner
Greathouse	Tennyson
Lanning	Tillery
Lindsey	Walker
Mauritz	Wells

Absent

Clayton	Harris of Dallas
Colquitt	Head
Colson	Hofheinz
Daniel	Holland
Davison of Fisher	Hunt
Dunagan	Jackson
Dunlap of Kleberg	Jones of Atascosa
Duvall	Jones of Shelby
Dwyer	Keefe
Hanna	King

Lange	Spears
Moore	Stanfield
Quinn	Worley
Reed of Bowie	

Absent—Excused

Bergman	Leonard
Bourne	Moffett
Caldwell	Petsch
Dunlap of Hays	Settle
Fitzwater	Young

The Speaker laid before the House, (in compliance with H. C. R. No. 24) on its second reading and passage to engrossment,

H. B. No. 143, A bill to be entitled "An Act amending House Bill No. 492 of the Regular Session of the Forty-fourth Legislature, providing for the clarification of said bill and making appropriation of \$10,000 for carrying out provisions of said bill, providing for the purchase of necessary forms, wages, rent, equipment, and supplies incident to a proper administration of said law for each year of the biennium ending September first, 1937, and declaring an emergency."

The bill was read second time.

Mr. Aikin raised the following point of order:

"Mr. Speaker, I wish to raise the following point of order against House Bill No. 143, in that it violates Section 5 of Article 7 of the Constitution, which is as follows:

"The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school funds, such value to be ascertained by the Board of Education until otherwise provided by law, and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever: nor shall the same, or any part thereof ever be appropriated to or used for the support of any sectarian school: and the available school fund herein provided shall be distributed

to the several counties according to their scholastic population and applied in such manner as may be provided by law."

AIKIN.

The Speaker overruled the point of order.

Mr. Frazer offered the following committee amendment to the bill:

Amend House Bill No. 143, by striking out all of Section 3, and insert in lieu thereof the following:

"There shall be set up by the Comptroller of the State of Texas and the Treasurer of the State of Texas a transfer and census account in the available school fund of an amount not to exceed one cent per capita of the scholastics enumerated in the last preceding census for each year of the biennium 1935-37, and there is hereby appropriated annually for the biennium 1935-37 one cent per capita of the scholastics in the last preceding census to this fund out of those special taxes levied and collected, not prohibited by the Constitution, for the supplementing of the available school fund. Warrants issued against said fund shall be drawn and paid as are warrants against the available school fund, in no event to exceed the amount of one cent per capita. Said fund shall be used in carrying out the provisions of this Act in hiring necessary help, in providing necessary forms and any expenses of the administration incurred therein."

Mr. McCalla moved to table the committee amendment by Mr. Frazer.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Dunlap of Hays offered the following amendment to the bill:

Amend House Bill No. 143 as follows: on page 3, line 6, following the word "collected" add the words and figures, "not to exceed a sum of ten thousand dollars (\$10,000.00) annually."

The amendment was adopted.

Mr. Tennyson offered the following amendment to the bill:

Amend House Bill No. 143, Frazer amendment, by adding at the end of said amendment the following:

"The salaries paid any help in the department of Education under authority of this Act shall be no more

than is paid similar positions in other departments."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 143 was then passed to engrossment by the following vote:

Yeas—81

Adamson	James
Alexander	Jefferson
Alsup	Jones of Falls
Ash	Jones of Shelby
Atchison	King
Beck	Knetsch
Burton	Leath
Calvert	Lemens
Clayton	Leonard
Cooper	Lotief
Cowley	Luker
Craddock	McKee
Crossley	McKinney
Davis	Moffett
Davisson	Moore
of Eastland	Morris
Dunagan	Morse
Dunlap of Hays	Newton
Duvall	Olsen
Farmer	Padgett
Fisher	Patterson
Ford	Payne
Frazer	Quinn
Fuchs	Reed of Dallas
Gibson	Riddle
Glass	Roach of Hunt
Good	Roane
Graves	Roark
Gray	Russell
Hanna	Rutta
Harris of Archer	Sessions
Harris of Dallas	Steward
Hartzog	Stinson
Head	Tarwater
Herzik	Thornton
Hill	Waggoner
Hodges	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Hyder	Young
Jackson	Youngblood

Nays—43

Aikin	Daniel
Bradbury	Davison of Fisher
Bradford	Dickison
Broyles	Dwyer
Butler of Karnes	Fain
Cagle	Fox
Canon	Hardin
Collins	Hofheinz

Howard	Reed of Bowie
Huddleston	Roach of Angelina
Jones of Atascosa	Rogers
Jones of Wise	Scarborough
Keefe	Shofner
Lanning	Smith
Lindsey	Stovall
Lucas	Tennyson
Mauritz	Tillery
McCalla	Venable
McConnell	Walker
Nicholson	Wells
Palmer	Worley
Reader	

Absent

Adkins	Hoskins
Butler of Brazos	Lange
Celaya	Latham
Colquitt	McFarland
Colson	Morrison
Dunlap of Kleberg	Pope
England	Roberts
Greathouse	Spears
Hankamer	Stanfield
Holland	

Absent—Excused

Bergman	Fitzwater
Bourne	Petsch
Caldwell	Settle

HOUSE BILL NO. 143 ON THIRD READING

The Speaker then laid House Bill No. 143 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101

Adamson	Davisson
Alexander	of Eastland
Alsup	Dunagan
Ash	Dunlap of Hays
Beck	Dunlap of Kleberg
Bradford	Duvall
Burton	England
Butler of Karnes	Farmer
Caldwell	Fisher
Calvert	Ford
Canon	Frazer
Celaya	Fuchs
Clayton	Gibson
Collins	Glass
Colson	Good
Cooper	Graves
Cowley	Gray
Craddock	Hankamer
Crossley	Hardin
Davis	Harris of Archer
Davison of Fisher	Hartzog

Head	Morse
Herzik	Newton
Hill	Olsen
Hodges	Padgett
Hoskins	Patterson
Hunt	Payne
Hunter	Petsch
Hyder	Pope
Jackson	Quinn
James	Riddle
Jefferson	Roach of Hunt
Jones of Atascosa	Roark
Jones of Falls	Roberts
Jones of Shelby	Russell
King	Rutta
Knetsch	Scarborough
Latham	Sessions
Leath	Smith
Lemens	Spears
Leonard	Steward
Lindsey	Stovall
Lotief	Tarwater
Luker	Thornton
Mauritz	Venable
McFarland	Waggoner
McKee	Westfall
McKinney	Wood of Harrison
Moffett	Wood of Montague
Moore	Young
Morris	Youngblood

Nays—37

Aikin	McCalla
Atchison	McConnell
Bradbury	Morrison
Broyles	Nicholson
Cagle	Palmer
Daniel	Reader
Dickison	Reed of Bowie
Dwyer	Reed of Dallas
Fain	Roach of Angelina
Fox	Roane
Hanna	Rogers
Harris of Dallas	Shofner
Hofheinz	Stinson
Howard	Tennyson
Huddleston	Tillery
Jones of Wise	Walker
Keefe	Wells
Lanning	Worley
Lucas	

Absent

Adkins	Holland
Butler of Brazos	Lange
Colquitt	Stanfield
Greathouse	

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following members were granted temporary leaves of absence for this afternoon, on account of important committee work: Messrs. Atchison, Leonard, Tillery and Dunlap of Hays.

The following members were granted temporary leaves of absence for this afternoon, on account of important committee work: Messrs. Moffett, Morse, Young, Petsch and Caldwell.

PRESENTATION TO HON. AND MRS. JOHN ATCHISON

Hon. Robert W. Calvert, having been recognized by the Speaker, presented Hon. John Atchison, on behalf of the members of the House, with a silver service set.

Mrs. Atchison then addressed the House, expressing appreciation for the gift.

CONCERNING MAJORITY REPORT OF CERTAIN SPECIAL COMMITTEE

Mr. Knetsch moved that the majority report of the committee, heretofore appointed to make certain investigation in regard to alleged irregularities in the State Department of Agriculture, which report was filed in the House on October 9, 1935, be adopted by the House at this time.

Mr. Hunt raised a point of order on further consideration of the motion by Mr. Knetsch, on the ground that same is in violation of Article III, Section 34 of the Constitution, and violates Section 13, of Rule XIX, of the House Rules, which Rule relates to the passage of resolutions and bills containing the same subject matter.

The Chair overruled the point of order.

Mr. Hunter moved that the report of the majority of the committee be received and filed at this time, and that the committee appointed pursuant to House Concurrent Resolution No. 105 of the Regular Session, Forty-fourth Legislature, be discharged.

**BILLS AND RESOLUTIONS
SIGNED BY THE
SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 62, "An Act creating the Pease River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such district, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

H. B. No. 147, "An Act making an appropriation of \$259.44 to pay W. P. McLean, Jr., for twenty-four days attendance as Special Associate Justice of the Supreme Court of Texas, and to pay the sum of \$306.88, to Alvin C. Owsley for twenty-eight days attendance as Special Chief Justice of the Supreme Court of Texas, and declaring an emergency."

H. B. No. 78, "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said System in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said System, and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; etc., and declaring an emergency."

H. B. No. 93, "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

H. B. No. 118, "An Act creating a special road law for Lamb County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of April 13, 1935, setting forth the method of operation, etc., and declaring an emergency."

H. B. No. 119, "An Act creating a special road law for Bailey County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of April 10, 1935, set-

ting forth the method of operation; etc., and declaring an emergency."

H. B. No. 48, "An Act to add a new section to be known as Section 16a to, and to amend Sections 1 and 7 of, Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizes such cities to borrow money from the United States Government or other Federal Agencies, or from any person, firm or corporation, and declaring an emergency."

H. B. No. 100, "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by General or Special Law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation, etc., and declaring an emergency."

H. B. No. 123, "An Act creating a special road law for Swisher County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of July 8, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

H. B. No. 138, "An Act to amend Chapter 75 of the Acts of the First Called Session of the Forty-third Legislature, so as to create a Conservation and Reclamation District to be known as Guadalupe-Blanco River Authority, pursuant to and for the purpose set forth in Section 59 of Article 16 of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to levy taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; etc., and declaring an emergency."

H. B. No. 125, "An Act amending Section 3 of the Lower Colorado River

Authority Act, being Chapter 7, of the Acts of the Fourth Called Session, of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

H. B. No. 144, "An Act to amend Sections 6 and 7 of Chapter 24, Special Laws, Acts of the Regular Session, Thirty-eighth Legislature, and declaring an emergency."

H. B. No. 150, "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of Constitutional Amendments, and declaring an emergency."

H. B. No. 134, "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the Gulf Coast and by reason of the calamitous overflows, floods and storms which caused great destruction of property and loss of life in said county; etc., and declaring an emergency."

H. B. No. 139, "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said Chapter, Article 6795a, authorizing County Commissioners Courts situated within any County having not less than 350,000 population, according to the last preceding Federal Census, to construct, build, acquire, own, operate and maintain a toll underpass or tunnel in the State of Texas; etc., and declaring an emergency."

S. C. R. No. 4, Granting H. C. Brannon and wife permission to sue the State.

S. C. R. No. 7, Granting Cleo Fletcher permission to sue the State.

H. C. R. No. 22, Concerning delegates to the National Democratic Convention.

H. C. R. No. 20, Suspending certain Joint Rules to consider Senate Bill No. 27.

H. C. R. No. 12, Granting Mrs. Nina R. Wiegand permission to sue the State.

H. C. R. No. 26, Authorizing certain correction in House Bill No. 125.

H. C. R. No. 27, Authorizing certain correction in House Bill No. 141.

RECESS

On motion of Mr. Nicholson, the House at 5:35 o'clock p. m., took recess to 8:00 o'clock p. m., today.

NIGHT SESSION

The House met at 8:00 o'clock p. m., and was called to order by the Speaker.

Mr. McCalla moved a call of the House for the purpose of securing and maintaining a quorum until 12:00 o'clock midnight, October 15, and the call was duly ordered.

On motion of Mr. Reader, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following members were granted temporary leaves of absence for tonight, on account of important committee work: Messrs. Moffett, Morse, Petsch, Young and Caldwell, on motion of Mr. Russell.

MESSAGE FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on Senate Bill No. 28, by the following vote:

Yeas 30, nays 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 28

Mr. Leonard submitted the following conference committee report on Senate Bill No. 28:

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the dif-

ferences between the Senate and the House on Senate Bill No. 28, have had same under consideration, and beg leave to report it back with recommendation that said Senate Bill No. 28 be adopted in text and form hereto attached.

S. B. No. 28.

A BILL

To Be Entitled

An Act making an appropriation for the purpose of reroofing and repairing the Governor's Mansion, and repairing, improving and refurnishing the Executive Reception Room in the State Capitol Building; making an appropriation for the purpose of paying the salaries and expenses of Inspectors of the Motor Transportation Division of the Railroad Commission; making an appropriation for the purpose of supplementing the appropriation made by the Forty-fourth Legislature for constructing and equipping teachers' and employees' living quarters at the State Orphans Home at Corsicana, Texas; and further making an appropriation for the purpose of paying necessary rent, and other miscellaneous and contingent office expenses for the Board of County and District Road Indebtedness for each of the fiscal years ending August 31, 1936, and August 31, 1937, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of reroofing the Governor's Mansion of Texas, and for making such general repairs thereon as may be necessary; and for repairing, improving and refurnishing the Executive Reception Room in the State Capitol, Austin, Texas, as may be necessary. Said expenditures shall be made under the direction of the State Board of Control and the expenditures to be made in connection with the Executive Reception Room may include painting, plastering, upholstering, carpets, draperies and any contin-

gencies necessary in generally rehabilitating and restoring said room.

Sec. 2. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the salaries and expenses of Inspectors of the Motor Transportation Division of the Railroad Commission.

Sec. 3. There is hereby appropriated out of the County and Road District Highway Fund the sum of Twenty-five Hundred (\$2,500.00) Dollars for the year ending August 31, 1936, and the further sum of Twenty-five Hundred (\$2,500.00) Dollars for the year ending August 31, 1937, to be used for the payment of necessary rent and other miscellaneous contingent office expenses, for the Board of County and District Road Indebtedness. Said sums above described shall be in addition to any and all other appropriations heretofore made for the above Board.

Sec. 4. There is hereby appropriated out of the General Revenue Fund the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars, for the purpose of supplementing a currently available appropriation made by the Forty-fourth Legislature, as shown on Page No. 872 of the Printed General Laws of the Regular Session of said Legislature, for constructing and equipping teachers' and employees' living quarters on top of the present one-story dining room-kitchen building at the State Orphans Home, Corsicana, Texas.

Sec. 5. The fact that the Governor's Mansion is badly in need of reroofing and repairing, and the fact that the Executive Reception Room in the State Capitol Building is in such state of dilapidation as to make it impracticable for use as a reception room, and the further fact that the funds appropriated by the Regular Session of the Forty-fourth Legislature for the purpose of constructing and equipping teachers' and employees' living quarters at the State Orphans Home, at Corsicana, Texas, are insufficient; and the fact that there are no appropriations now out of which to pay necessary rent and other miscellaneous and contingent expenses for the Board of County and

District Road Indebtedness; and the further fact that an error occurred in the general appropriation bill passed by the Forty-fourth Legislature, Regular Session, for Inspectors of the Motor Transportation Division, create an emergency and an imperative public necessity, requiring the constitutional rule that bills be read on three several days, and the constitutional rule requiring bills to take effect ninety days after adjournment of the session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted

REDDITT,
RAWLINGS,
HOPKINS,
PACE,
STONE,

On the Part of the Senate.

LEONARD,
ATCHISON,
TILLERY,
DUNLAP of Hays,
AIKIN,

On the Part of the House.

Mr. Leonard moved that the report be adopted.

Mr. Wood of Harrison moved that the report be not adopted, and that a new conference committee be appointed to adjust the differences between the House and Senate on Senate Bill No. 28, with instructions to strike out Section 2 of the bill.

Mr. Leonard moved to table the motion by Mr. Wood of Harrison.

The motion to table prevailed.

The conference committee report on Senate Bill No. 28 was then adopted by the following vote:

Yeas—80

Adkins	Cowley
Aikin	Dickison
Ash	Dunagan
Atchison	Dunlap of Kleberg
Beck	Duvall
Bradford	Dwyer
Burton	England
Butler of Karnes	Ford
Caldwell	Fox
Calvert	Gibson
Celaya	Good
Clayton	Hankamer
Collins	Harris of Archer
Cooper	Hartzog

Head	Newton
Herzik	Olsen
Hill	Padgett
Hodges	Patterson
Holland	Payne
Hoskins	Petsch
Howard	Reader
Jackson	Reed of Dallas
James	Riddle
Jefferson	Roach of Angelina
Jones of Atascosa	Roane
Jones of Falls	Roark
Jones of Shelby	Roberts
Jones of Wise	Spears
Keefe	Steward
Knetsch	Stinson
Lanning	Stovall
Latham	Tarwater
Leath	Thornton
Lemens	Tillery
Leonard	Venable
McFarland	Waggoner
Moffett	Wells
Moore	Westfall
Morrison	Wood of Montague
Morse	Young

Nays—50

Adamson	Hunter
Alexander	King
Alsup	Lindsey
Bradbury	Lotief
Broyles	Lucas
Cagle	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McKee
Davison of Fisher	McKinney
Davisson	Morris
of Eastland	Palmer
Fain	Quinn
Farmer	Reed of Bowie
Frazer	Roach of Hunt
Fuchs	Rogers
Glass	Russell
Gray	Sessions
Greathouse	Smith
Hanna	Tennyson
Hardin	Walker
Harris of Dallas	Wood of Harrison
Hofheinz	Worley
Huddleston	Youngblood
Hunt	

Absent

Butler of Brazos	Lange
Canon	Nicholson
Colquitt	Pope
Colson	Rutta
Dunlap of Hays	Scarborough
Fisher	Shofner
Graves	Stanfield
Hyder	

Absent—Excused

Bergman Fitzwater
Bourne Settle

RELATIVE TO SENATE BILL
NO. 16

Mr. Daniel moved that the conference committee on Senate Bill No. 16 be instructed to make a report to the House immediately.

The motion prevailed.

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

and

Hon. Walter F. Woodul, President of the Senate.

Sirs: We, your Committee, appointed to adjust the differences between the Senate and the House, on Senate Bill No. 16, beg leave to advise that we have had said bill under consideration, and have failed to reach an agreement as to the contents of said bill.

We, therefore, beg leave to report that we are unable to agree upon a bill and beg leave to be discharged.

Respectfully submitted,

SMALL,
REDDITT,
ISBELL,

On the part of the Senate.

MOFFETT,
PETSCH,

On the part of the House.

REPORT OF INVESTIGATING
COMMITTEE APPOINTED
PURSUANT TO HOUSE
SIMPLE RESOLUTION
NO. 14

Mr. Hoskins, Chairman, submitted the following report of the committee appointed to investigate violation of truck laws:

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sir: We, your committee, appointed pursuant to House Simple Resolution No. 14, to investigate alleged abuses in the enforcement of House Bill 335 and 336, commonly known as the truck laws, beg to report that we have held two public hearings in Austin, Texas, one public hearing in Ft. Worth, Texas, and one public hearing in Houston, Texas. We have conducted said hearings with the idea

of not only investigating and reporting alleged abuses, if any, in the enforcement of the truck laws of this State, but also to bring about a better understanding between the trucking industry of this State and the local and/or administrative officers charged with the enforcement of said truck laws.

The testimony taken at said hearings from truck owners, drivers, local officers and administrative officers (Railroad Commission Inspectors and Highway Patrolmen and Rangers) reveals the following:

(1) That there has been widespread and flagrant violation of the provisions of House Bill 335 and 336 by many drivers and/or operators of motor trucks in this State.

(2) That there has been some admitted mistreatment of truck drivers by inconsiderate local officers; such mistreatment has in some instances been accompanied by unwarranted acts of physical violence on the part of such officers.

(3) That there have been numerous instances of unnecessary delay of trucks, which has resulted in the loss and depreciation to much livestock and perishable commodities.

The limited and inadequate force of Railroad Commission Inspectors who are charged with the enforcement of the provisions of House Bill 335, has not only seriously handicapped the Railroad Commission from fully enforcing the provisions of such law, but has in many instances resulted in inconvenience to operators of trucks by compelling them to be held until an inspection could be made, report filled out and charges if necessary, filed.

(4) That there has been an appalling degree of uncertainty and indecision as to what the law is in regard to one's right to haul his own merchandise on his own truck, and consequently as to what the policy of enforcement should be, both in the minds of law enforcement officers and the general public.

(5) An attitude on the part of many local officers to mistreat the accused guilty before trial.

(6) The practice of many local arresting officers acting as judge and jury and accepting fines without keeping proper records of said fines.

Recommendations

We recommend that the Legislature enact laws placing all officers of the State charged with enforcement of truck laws under bond.

We urge the employees of the Railroad Commission and all of the State employees charged with prosecution of infractions of the truck laws to exercise due caution, and to resolve all doubt in favor of truck operators when through lack of previous experience with an operator, or when facts presented do not constitute a prima facie case of violation of the truck laws;

That officers charged with enforcement of truck laws take more cognizance of injunctions issued by State and Federal Courts to the extent that such injunctions be considered valid and binding, unless instructed otherwise by the Attorney General's Department, or unless past experiences with, or investigation of a particular injunction has proven that same is probably invalid; and

We request that more explicit instructions be issued to Railroad Commission employees so as to remove all doubt as to whether an operator hauling his own merchandise in his own truck is violating the provisions of House Bill No. 335;

And that in case of doubt in a particular instance as to what the law is, that Commission employees be instructed to make investigation of the facts and request advice as to the law before arresting accused party or parties.

We urge that the State Highway Patrol and employees of Railroad Commission charged with enforcement of truck laws exercise more discretion in the selection of Justice Courts where complaints for alleged violations are to be filed, and recommend that they determine by past performances or present expression of local peace officers, as to their intention of fairness in the trial of defendants for violation of these laws.

The fact that violation of trucking laws constitute a misdemeanor, together with the fact that accused persons may be filed upon in counties far distant from their residence, creates a condition wherein harassment and intimidation of innocent parties might easily ensue since the payment of fine and costs with a plea of guilty, more often than otherwise,

will constitute the easiest and cheapest financial outlay on the part of the defendant, which result the law enforcement officials should perpetually be on guard against.

We recommend that the State laws regulating trucking be strictly enforced and we urge the respect of these laws by the trucking industry. We deplore the flagrant violation of the trucking laws by "fly-by-night" operators and condemn gross overloading and the indiscriminate securing and granting of injunctions and the use of fictitious Bills of Sale in order to circumvent the enforcement of the truck laws.

We recommend that this committee, or some new committee, be charged with the investigation and acquisition of information as to the effect of the new Federal Truck Laws on the trucking industry in Texas, with the purpose in view of being able to advise the next Legislature as to any needed changes in order to make the State and Federal regulations coincide; and that said committee be charged with the duty of further investigating into the enforcement of truck laws instituted by this committee, and be requested to follow up alleged abuses and discriminations which this committee has had neither the time nor the opportunity to finish.

We condemn, wholeheartedly, the instances brought to our attention, of unfairness and abuse and persecution of truck operators by "fee grabbing" and ruthless precinct officials in some counties of this State.

The committee is filing with the Chief Clerk of the House, a copy of the transcript of testimony at the various hearings held by the committee.

CONDE R. HOSKINS,
Chairman,
NALL COLSON,
JAP LUCAS,
ALBERT K. DANIEL,
R. C. LANNING,
E. H. THORNTON, JR.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 14

Mr. Morse submitted the following conference committee report on House Bill No. 14:

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 14 have had same under consideration, and beg to report back with recommendation that it do pass in the form attached hereto.

H. B. No. 14.

A BILL

To Be Entitled

An Act defining the term "open saloon"; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws; re-enacting and amending Chapter 116, Acts of the Regular Session of the Forty-third Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. This Act may be cited as the "Texas Liquor Control Act."

Sec. 2. This Act shall be deemed an exercise of the police power of the State for the protection of the welfare, health, peace, morals, temperance and safety of the people of the State, and all its provisions shall be liberally construed for the accomplishment of that purpose.

Sec. 3 (a). The term "open saloon" means any place where any liquor containing alcohol in excess of four per cent by weight (except wines that do not contain alcohol in excess of 17% by weight) is sold or offered for sale in broken or unsealed containers or any place where any such liquor is sold or offered for sale for human consumption on the premises where sold or offered for sale, except where such sale or offer of sale is made by the holder of a vendor's permit and

in strict accordance with the regulations hereinafter imposed upon the holders of vendors permits. In no event shall liquor be sold by the holder of a vendor's permit that is of a type or of an alcoholic content that is illegal in the area where his place of business is located.

(b) Any person, whether as principal or agent or employee, who shall operate or assist in operating or who shall be directly or indirectly interested in operating any open saloon in the State shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not more than one year. Any person who is twice convicted under the provisions of this section shall for the second and all subsequent offenses be punished by fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000), and by confinement in the county jail for not less than thirty days nor more than one year.

(c) Whenever the word "liquor" is used in this Act it shall mean and refer to any liquor containing alcohol in excess of four (4) per cent by weight, unless otherwise indicated.

(d) Any person who violates any provision of this Act other than those contained in this section shall be subject to the penalties prescribed by Section 45.

Sec. 4. Unless otherwise herein expressly excepted it shall be unlawful for any person to manufacture, sell, possess for the purpose of sale, import into this State, or transport any alcohol or any liquor. Unless the exceptions hereinafter made to this section are clear and specific they shall not obtain in favor of any person with respect to any prohibited act and they shall be strictly construed for the accomplishment of this purpose. It is further expressly provided that any rights or privileges that are granted herein to any person as exceptions to the prohibitions contained in this section shall be enjoyed and exercised only in the manner provided by this Act.

Sec. 5. It shall be unlawful for any person to manufacture, sell, possess for the purpose of sale, import into this State, or transport liquor in wet areas or dry areas without first having obtained a permit or without first having complied with all other terms and provisions of this Act; provided however that the prohibition contained in this section against the transportation of liquor shall not apply to a person who has purchased such liquor for his own consumption and is transporting the same from a place where the sale thereof was lawful and to a place where its possession by him is lawful; provided further, that the prohibition contained in this section against the importation and transportation of liquor shall not apply to a person who is bringing into this State not more than two (2) quarts of liquor for his own personal use.

Sec. 6. It shall be unlawful for any person to manufacture, sell, possess, or transport for the purpose of sale in any dry area under this or any other Act in this State any liquor containing alcohol in excess of one-half of one per centum by volume; provided however, it shall be lawful for the holders of carrier permits and private carrier permits to transport such liquor from one wet area to another wet area where, in the course of such transportation, it is necessary or convenient to cross such dry area; provided further that this section shall not apply to the holders of industrial or medicinal permits; provided further, that this section shall not apply to vinous or malt liquor that does not contain alcohol in excess of four (4) per centum by weight in any area where its sale has been legalized.

Sec. 7. There is hereby created the Division of Liquor Control as a division in the office of the Tax Commissioner of the State of Texas. The Division shall be headed by the Tax Commissioner. The Commissioner, for the additional duties herein imposed, shall receive for his services compensation at the rate of \$1800.00 per annum, together with actual and necessary traveling expenses while engaged in the performance of his duties away from the seat of government.

The Commissioner shall appoint an Administrator who shall serve at the Commissioner's pleasure and who shall have power and authority, when so authorized by the Commissioner, to discharge the duties and exercise the powers of the Commissioner. The Administrator shall receive a salary not exceeding \$5,000.00 per annum.

The Commissioner shall appoint all necessary officers, attorneys, clerks, stenographers, inspectors, auditors, chemists, experts, and employees to properly enforce the provisions of this Act, all of whom shall serve at his pleasure. No person shall be eligible for any appointment who has any connection whatever with any person engaged in or conducting any liquor business of any kind, or who holds stock or bonds therein, or who has any pecuniary interest therein, nor shall any such person receive any commission or profit whatever from, or have any interest whatsoever in, the purchases or sales made by persons authorized by this Act to manufacture, purchase, sell or otherwise deal in the liquor business.

The Administrator shall act as manager, secretary and custodian of all records unless the Commissioner shall otherwise order, and shall perform such other duties as the Commissioner may prescribe.

The Administrator shall devote his entire time to said office and shall give a surety bond for the faithful performance of his duties in such form as the Commissioner may prescribe and in an amount of not less than \$10,000.00. The Commissioner shall fix the duties, salaries and wages of all employees authorized by this Act, but such compensation, salaries and wages shall not be greater than the salaries fixed for similar positions and duties in other departments of the State government. The salaries herein authorized shall not continue in effect beyond the effective date of the general appropriation bill of the Forty-fifth Legislature. The Commissioner shall likewise have power to require any employee to give bond for the faithful performance of his duties in such an amount as he may deem adequate.

It shall be the duty of the Commissioner, during the month of January of each year, to make a report to the Governor concerning his administration of this Act, and including a state-

ment of the revenues derived herefrom, together with a detailed statement of the expenses incurred by the Division, and further, a list of recommendations designed to strengthen the enforcement hereof.

The Commissioner is authorized and directed to prescribe such rules and regulations as may be necessary to carry out his powers and duties, and to amend or repeal the same.

The soliciting and procuring of an endorsement of any member of the Legislature for appointment to any position under this Act, shall disqualify the person receiving such endorsement from holding the position.

Sec. 8. Among others, the functions, powers, and duties of the Commissioner shall include the following:

(a) To control the manufacture, possession, sale, purchase, transportation, importation, and delivery of liquor in accordance with the provisions of this Act, and make all necessary rules and regulations to fully and effectually accomplish such purpose.

(b) To grant, refuse, suspend, or cancel permits for the purchase, transportation, importation, sale or manufacture of liquor or other permits in regard thereto.

(c) The taxes and license fees imposed by this Act shall be paid to or collected by the Commissioner.

(d) To investigate and aid in the prosecution of violations of this Act and other Acts relating to liquor; to make seizure of liquor manufactured, sold, kept, imported or transported in contravention hereof, and apply for the confiscation thereof whenever required by this Act, and cooperate in the prosecution of offenders before any court of competent jurisdiction.

(e) To exercise all other powers, duties and functions conferred by this Act, and all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of this Act.

(f) To require that any liquor sold in this State shall conform in all respects to the advertised quality and quantity of such products.

(g) To license, regulate and control the use of alcohol and liquor for scientific, pharmaceutical and industrial purposes, and to provide by regulation for the withdrawal thereof from warehouses and denaturing

plants and to prescribe for the manner in which the same may be used for scientific research for hospitals and sanatoriums, in industrial plants, and for other manufacturing purposes tax free.

Sec. 9. All rules and regulations of the Commissioner shall be promulgated by publication in at least five (5) newspapers (such newspapers being published in representative areas of the State) published in the State for three (3) consecutive days; and by posting the same for five (5) successive days in a prominent place at his office and by mailing a copy of the said rules and regulations to the County Clerk of each county in the State where the sale of liquor is authorized, for record. Such rules and regulations shall become operative when the certificate of the Administrator as to such publication, posting and mailing shall have been filed in the office of the Commissioner and the filing of such certificate shall be prima facie evidence that this section has been complied with.

Sec. 10. The Commissioner, the Administrator and any special examiner or inspector under the direction of the Commissioner, shall, for the purposes contemplated by this Act, have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within or without the State of Texas, as now provided by law, and compel the production of pertinent books, accounts, records, documents and testimony.

If a witness in attendance before the Commissioner or one of his authorized representatives refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book, record or paper when ordered to do so by the Commissioner, the Commissioner may apply to the Judge of the District Court of any county where such witness is in attendance, upon proof by affidavit of the fact, for a rule or order returnable in not less than two (2) nor more than five (5) days, directing such witness to show cause before the Judge who made the order, or any other District Judge of said county, why he should not be punished for contempt; upon the return of such order the Judge before whom the matter shall come on for hearing shall examine under oath such wit-

ness or person, and such person shall be given an opportunity to be heard; and if the Judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce a book, record or paper which he was ordered to bring or produce, he may forthwith punish the offender as for contempt of court.

Subpoenas shall be served and witness fees and mileage paid as in civil cases in the District Court in the county to which such witness shall be called. Witnesses subpoenaed at the instance of the Commissioner shall be paid their fees and mileage out of funds herein provided.

Sec. 11. No person shall import into this State any liquor from any source unless a permit be first obtained from the Commissioner, and any person so purchasing or importing liquor in violation of this section shall be subject to the penalties hereinafter provided. In addition to the penalties hereafter provided, any person violating the provisions of this section shall forfeit the liquor so imported to the Commissioner as herein provided.

Sec. 12. It shall not be necessary in any information, complaint or indictment to negative any exception contained in this Act concerning any prohibited Act; provided however, that any such exception made herein may be urged as a defense by any person charged by such complaint, information or indictment.

Sec. 13. Every applicant for a brewer's, distiller's, rectifier's, wholesaler's, beer and wine wholesaler's, or package store permit under this Act shall give notice of such application by publication for once a week for two consecutive weeks in a newspaper of general circulation and regularly published in the city or town in the county in which applicant's place of business is located, or if such applicant's place of business is not located in a city or town wherein there is a qualified newspaper, then such notice may appear in any newspaper in the county. In any county in which no qualified newspaper is published, the notice shall be published in a qualified newspaper published in the closest neighboring county. Such publication shall constitute a notice to all parties desiring to protest the granting of such permit upon any of the grounds

upon which the Commissioner may refuse to grant an application for a permit. Such notice shall set forth the grounds of objection contained in subdivisions (b) to (i), inclusive, of Section 14, of this Act. Each of such notices shall be published in no less than 18-point type. The Commissioner may require of every applicant for a permit the recommendation in writing of the County Judge of the county of his residence and he shall take such recommendation into consideration before granting or refusing such license. The Commissioner shall have authority to issue temporary permits for periods not exceeding ninety (90) days immediately following the passage of this Act, but not thereafter.

Sec. 14. The Commissioner shall refuse to issue a permit to any applicant if he has reasonable grounds to believe any of the following to be true:

(a) That applicant has not furnished an acceptable bond.

(b) That the applicant lacks sufficient funds to maintain an establishment properly.

(c) That an applicant to sell at retail has been provided with funds by or has any connection with a manufacturer of, or wholesale dealer in, liquor.

(d) That the applicant is in the habit of using alcoholic beverages to excess or habit-forming drugs.

(e) That the applicant had made false statements to the Commissioner concerning any fact material to the granting or refusal of his application.

(f) That the applicant is not a citizen of the United States or of this State, or is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(g) That the applicant has been convicted of violating any of the liquor laws of this State, general or local, including the provisions of this Act, or of any rule or regulation promulgated in pursuance hereof, or has been convicted at any time of a felony.

(h) That the applicant has maintained a noisy, lewd, disorderly or unsanitary establishment.

(i) That applicant has ever been engaged in the business of importing,

manufacturing, transporting or selling liquor in violation of the laws of Texas.

(j) That there is any other reason which, in the opinion of the Commissioner, based on general welfare, health, peace, morals and safety of the people, warrants his refusal to grant such permit.

Sec. 15. The Commissioner shall cancel or suspend after notice and hearing any such permit granted if he finds or has reasonable ground to believe any of the following to be true:

(a) That the permittee has violated any provision of this Act or Acts amendatory thereof or any rule or regulation of the Commissioner adopted pursuant thereto.

(b) That the permittee had made any false representations or statements to the Commissioner in order to induce or prevent action by the Commissioner.

(c) That the permittee is not maintaining an acceptable bond.

(d) That any retail permittee is acting as an agent of a manufacturer or wholesaler of alcoholic liquors, or has borrowed money or property or accepted gratuities therefrom, or has any connection therewith.

(e) That the permittee maintains a noisy, lewd, disorderly or unsanitary establishment or has been supplying impure or otherwise deleterious beverages.

(f) That the permittee is insolvent or incompetent or physically unable to carry on the management of his establishment.

(g) That the permittee is in the habit of using liquor to excess or habit-forming drugs.

(h) That the permittee knowingly has sold liquor to persons under twenty-one years of age, to persons known to be drunkards, or to persons visibly intoxicated at the time of sale.

(i) That the permittee has misrepresented to a customer or the public any liquor sold by him.

(j) That the permittee, since the granting of his permit, has been convicted of a felony, or had been guilty of violating any of the liquor laws of this State, general or local, including provisions of this Act, or any rule or regulation promulgated in pursuance of this Act.

(k) That there is any other reason which, in the opinion of the Commissioner, based on the general welfare, health, peace, morals and safety of the people of this State, warrants cancelling or suspending such permit.

The governing authorities of any city or town or the Commissioners Court of any county shall have power to institute proceedings for the revocation or suspension of any permit granted hereunder. Such proceedings may be instituted by the filing of a complaint with the Commissioner, and it shall be the duty of the Commissioner to forthwith hear the same in accordance with the terms of this Act.

Notice of cancellation or suspension, stating the reason therefor, shall be served upon the permittee, or upon whatever person may be in charge temporarily, or otherwise, of the licensed premises, or shall be affixed to the outside of the door of the licensed premises, or shall be sent by United States registered mail addressed to the permittee at the licensed premises, and said cancellation notice shall be published by the Commissioner once a week for three consecutive weeks in the county in which the licensed premises are located, or if no newspaper is published in said county, in a newspaper in a neighboring county. Cancellation or suspension shall take effect upon the affixing, service, delivery, or first publication of such notice. Such affixing, service or delivery or publication of a cancellation or suspension shall be adequate notice to all parties concerned. The publication or posting of such notices shall be privileged.

In the event of resort to any court from an order of cancellation or suspension in whatever form the proceedings may be brought, it shall in no wise act as a supersedeas of the order of cancellation or suspension. The permit so cancelled or suspended shall so stand pending the termination of the proceedings. No refund or permit fees shall for any reason be made by the Commissioner.

All notices, orders, records and publications authorized or required by the terms of this Act shall be privileged. It is further provided that the certificate of the Commissioner or the Administrator, concerning any rule or regulation or other order promulgated under the terms hereof shall be prima facie evidence of the validity thereof,

and the same shall be admissible as evidence in all courts in this State.

Sec. 16. Any permit granted under this Act shall be a purely personal privilege, good for the year in which issued, and ending on August 31st of each year at 12 o'clock midnight, and revocable for the causes herein stated, subject to appeal as hereinafter provided, and shall not constitute property, nor shall it be subject to attachment or execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided, that the Commissioner may, by regulation, provide for the time and manner in which the successor in interest of any deceased, insolvent or bankrupt licensee may dispose of any liquors left on hand by the licensee.

Sec. 17. And in the event of any person being aggrieved by any decision, rule or order of the Commissioner, such person shall have the right of an appeal therefrom to the District Court of the county in which a decision, rule or order in such case would become effective, said suit to be against the Commissioner alone as defendant, and such suit shall be tried de novo, and be governed by the same rules as other suits in said court, and during the pendency of such suit the order of the Commissioner may be suspended by interlocutory order of the court pending a hearing on the merits. Such cause shall be tried before the Judge of such court within ten (10) days after the docketing of the cause, or at the earliest possible time after such ten (10) day period, in the event the Judge is not able to try such cause within such ten day period.

Sec. 18. Permits shall be of the following classes: Brewers, distillers, winery, rectifiers, wholesalers, beer and wine wholesalers, package stores, vendors, agents, industrial, medical, carriers, private carriers, cartage and storage.

(a) Brewer's Permit. A brewer's permit shall authorize the manufacture and sale of malt beverages containing alcohol in excess of four per centum (4%) by weight. The annual license fee shall be Two Thousand Dollars (\$2,000). It shall be unlawful for any person holding a brewer's permit to sell malt beverages to any person who is not the holder of a per-

mit authorizing him to purchase such malt beverages under this Act, except when such malt beverages are sold and delivered to persons in other States.

(b) Distiller's Permit. A distiller's permit shall authorize the manufacture of spirituous beverages containing alcohol in excess of four per centum (4%) by weight and the rectification of the same. Such permit shall also authorize the importation into this State of alcoholic spirits including ethyl alcohol for use in or as ingredients in the manufacture of alcoholic spirituous beverages, but for no other purpose, and in no event for resale in this State. It shall be unlawful for any person holding a distiller's permit to sell such spirituous liquors to any one other than the holder of a wholesaler's permit under this Act, unless the same be sold and delivered to a person outside this State. The annual license fee for distillers shall be Two Thousand Five Hundred Dollars (\$2,500.00).

(c) Winery Permits.—A winery permit shall authorize the holder thereof to manufacture, bottle, package and label wine; said permit shall also authorize the holder thereof to manufacture grape brandy to be used exclusively for fortifying purposes by its holder on the premises for which issued. The term "wine" wherever used in this Act shall mean the product obtained by the fermentation of grapes, fruits, and berries containing natural sugar or any such product fortified with grape brandy and containing not more than seventeen per cent (17%) of alcohol by volume. It shall be lawful for any person holding a winery permit to sell wine direct to any other permittee and to the ultimate consumer in unbroken packages. The annual license fee for such winery shall be Fifty Dollars (\$50.00).

A class "B" winery permit shall authorize the holder thereof to manufacture, bottle, package and label wine where the grapes, fruits and berries used in the manufacture of said wine have been produced solely within the county where such wine is manufactured. The annual license fee for such class "B" winery shall be Ten Dollars (\$10.00).

Nothing in this Act shall be construed to prevent or prohibit the manufacture without a permit or fee of

wines by the fermentation of grapes, fruits and berries by an individual for his own consumption and where the same is not to be sold or offered for sale.

(d) Rectifier's Permit.—For the purpose of this Act "rectifier" means and includes any person who rectifies, purifies, or refines distilled spirits or wines other than vermouth by any process other than as provided for on distillery premises or who mixes such spirits, wine, or other liquors for sale under the name of whiskey, brandy, gin, rum, spirits, cordials, bitters, or any other name. A rectifier's permit shall authorize the rectification and sale of alcoholic spirituous liquors to the holders of wholesale permits only, unless such liquors are sold and delivered to persons outside the State. Such permit shall also authorize rectifiers to import into this State alcoholic spirits for exclusive use as ingredients in the preparation of alcoholic liquors, but shall not authorize the importation of any such spirits for resale without rectification. The annual license fee shall be Two Thousand Five Hundred Dollars (\$2,500).

(e) Wholesaler's Permit.—A wholesaler's permit shall authorize the holder to purchase liquor from persons authorized by law to manufacture and sell the same in this State and to import such liquor from points outside the State and to sell the same to the holders of permits in this State at wholesale. Such permit shall also authorize the holder thereof to sell and deliver such liquor to persons outside this State. It shall be unlawful for the holder of such a permit to sell such liquor in this State to any other person than the holder of a permit lawfully entitling him to purchase and receive the same from such wholesaler. Except as is specifically authorized for rectifiers, beer and wine wholesalers and distillers, it shall be unlawful for any other person than the holder of a wholesaler's permit to import liquor into this State. Wholesale druggists possessing the necessary qualifications, as well as other qualified persons, shall be entitled to a wholesaler's permit.

A wholesale druggist is defined to mean every person engaged in the business of selling at wholesale a representative assortment of pharmaceuticals and other materials such as drugs, oils, chemicals, proprietary

medicines, and druggist sundries, and who carries a representative stock of such items in such assortments and quantities as will enable him to regularly supply from stock, from day to day, the usual and immediate medical requirements of retail druggists, pharmacists, physicians, hospitals and dispensaries, and whose gross sales of such items shall at all times exceed his gross sales of liquor for medicinal or other purposes. No wholesale druggist shall be qualified to receive a wholesaler's permit whose business does not meet these requirements. The annual license fee shall be Two Thousand, Five Hundred Dollars (\$2,500.00).

(f) Beer and Wine Wholesaler's Permit.—A beer and wine wholesaler's permit shall authorize the holder thereof to purchase malt and vinous liquors containing alcohol in excess of four per centum (4%) by weight from brewers and wineries holding permits in this State and to import such liquors from other States and to sell the same at wholesale only to the holders of permits in this State who are authorized to purchase and receive the same; such permit shall also authorize the holder thereof to sell and deliver such liquor to persons outside this State; provided that such permit may authorize the sale to consumers in wet areas where such sale is legal. The annual fee shall be Two Hundred and Fifty Dollars (\$250.00).

(g) Package Store Permit.—A package store permit shall authorize the holder thereof to purchase the liquor specified in the permit from the holders of wholesaler's permits. It shall be unlawful for the holder of a package store permit to purchase liquor from any other person than the holders of wholesaler's permits. Such permit shall authorize the holder to sell such liquor as shall be legalized in the area where situated at retail to consumers in unbroken packages only and not for consumption on, at, or near the premises where sold; provided that a hotel, as herein defined, which has secured a package store permit may deliver liquor at retail in unbroken packages to the rooms of bona fide guests of such hotels for consumption in such rooms. It shall be unlawful for the holder of a package store permit to break or open any package or container containing liquor on, at, or near his premises or to sell, barter, exchange, deliver or give away

to any person any drink or drinks of liquor on, at or near his premises from a package or container that has for any reason been opened or broken or to sell liquor in packages containing less than one-half pint.

Package stores shall not have curtains, hangings, signs or any obstruction which will prevent a clear view at all times of the interior of the store; provided the preceding clause shall not apply to a drug store operating under a medicinal permit only. It shall be unlawful for any package store to employ any women, or to employ any male person under 21 years of age to sell or dispense liquors.

Hotels and drug stores as herein-after defined, as well as other qualified persons, may obtain package store permits. The annual license fee for a package store permit shall be:

In cities and towns having a population of two thousand (2,000) inhabitants or less, according to the last preceding Federal Census, the fee shall be One Hundred and Fifty Dollars (\$150); in cities and towns having a population of more than two thousand (2,000) and less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, the fee shall be Two Hundred and Fifty Dollars (\$250); in cities and towns having a population of more than five thousand (5,000) and less than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the fee shall be Three Hundred and Fifty Dollars (\$350); in cities and towns having a population of more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the fee shall be Five Hundred Dollars (\$500). The fee for a package store permit outside the limits of an incorporated city or town shall be \$150.00.

"Drug store" means and includes every person engaged in the business of selling at retail a representative assortment of pharmaceuticals and other articles and materials such as drugs, oils, chemicals, proprietary medicines and druggist sundries, and who carries regularly a stock of such items sufficient in quantity and assortment as will enable him to supply the daily needs of consumers, and who regularly employs one or more registered pharmacists, at all times in compliance with the Pharmacy Laws of this State, and whose gross sales of

such items shall at all times exceed the gross sales of liquor for medicinal or other purposes. No drug store shall be granted a permit until a permit to operate a pharmacy has been obtained from the State Board of Pharmacy.

(h) Agent's Permit.—No person shall act as agent or salesman for the sale of, or for taking or soliciting orders for the sale of any liquor irrespective of whether such sale is to be made within or without the State unless such person shall have an agent's permit. In applying for such permit such agent shall set forth the name and address of each and every person whom he represents, and shall furnish such other information as may be required by the Commissioner. It shall be unlawful for any agent to represent any person whose name does not appear upon said permit as his employer or to act as agent or salesman for any other person not named therein. The annual license fee for such permit shall be Five Dollars (\$5.00).

(i) Industrial Permit.—No provision of this Act shall apply to alcohol intended to be used for industrial, mechanical and scientific purposes. Industrial permits may be issued to persons desiring to import, transport and use alcohol for use in the manufacture and sale of any of the following, tax free:

- (1) Denatured alcohol;
- (2) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations;
- (3) Flavoring extracts, syrups, and food products;
- (4) Scientific, chemical, mechanical, industrial and medicinal products and purposes.

It shall be unlawful for any person to knowingly sell any of the products enumerated in paragraphs (1), (2), (3), and (4), for beverage purposes or who shall sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose.

It shall be unlawful for any person to purchase, transport, or use alcohol for any purpose enumerated in this section unless and until he shall have secured an industrial permit; provided, however, that nothing contained in

this section shall restrict the purchase, sale or possession without any permit therefor of denatured alcohol by any person after the same has been so produced and so long as it shall retain its character as denatured alcohol. The annual license fee for an industrial permit shall be Ten Dollars (\$10.00).

(j) **Carrier's Permit.**—The word "carrier" when used in this section shall mean and include steam and electric railway carriers and motor carriers operating under the supervision of the Railroad Commission of Texas whose rates and practices are prescribed by orders promulgated by said Commission. The holder of a carrier's permit shall be authorized to transport liquor into this State and between points within this State. It shall be unlawful for any person to transport liquor into this State or between points within this State unless and until he shall have procured a carrier's permit. In the case of motor carriers as above defined, liquor shall not be transported in this State by the holder of a permit unless a description of the vehicle in which such transportation is carried on shall be furnished, including the engine number, highway license and such other information as may be required. The transportation or importation of liquor by the holder of a permit in any vehicle not so described shall be unlawful and shall constitute grounds for cancellation of said permit. In the event such carrier's permit shall be cancelled for a violation of this provision or for violation of any rule or regulation promulgated in pursuance hereof, such cancellation shall operate as a bar both as against all of the vehicles owned and operated by such carrier as well as against the holder of such permit for a period of two years. Any steam or electric railway transporting liquor into this State or between points in this State who shall violate any provision of this Act, or who shall violate any rule or regulation prescribed in pursuance of this Act shall have its permit cancelled and in the event of such cancellation shall be prohibited from transporting liquor into this State or between points in this State for a period of two (2) years. The holders of carrier's permits shall furnish such information concerning the transportation of liquor into this State or between points in this State

as shall be required of them. It shall be unlawful for any such carrier to transport and deliver liquor to any person in this State unless the same be for a lawful purpose.

The restrictions contained in this section shall not apply to carriers when in the course of an interstate or foreign shipment of liquor it is necessary for them to cross this State in the course of such transportation.

The annual license fee for a carrier's permit shall be Five Dollars (\$5.00).

(k) **Private Carrier's Permit.**—Brewers, distillers, wineries, rectifiers, wholesalers, beer and wine wholesalers, and manufacturers, shall be entitled to transport liquor from place to place in this State in motor vehicles that are owned by them when such transportation is for a lawful purpose. Motor vehicles used for such transportation shall be fully described in the application for a private carrier permit and such application shall contain all information which shall be required. Motor vehicles used by permittees for the transportation of liquor within this State shall have printed or painted on both sides of said vehicles the trade or business name of the holder of the permit and also the number of the private carrier permit. It shall be unlawful for any permittee above named to transport liquors in any vehicle not fully described in the application for the permit. Any permittee violating any rule or regulation promulgated in pursuance of this section shall have his private carrier permit cancelled and shall not be permitted to transport any liquor in any vehicles owned by him for a period of two (2) years. It shall further be unlawful for any permittee to transport liquor without first having obtained a private carrier permit. The annual license fee for such permit shall be Five Dollars (\$5.00).

(l) **Local Cartage Permit.**—The Board is hereby authorized to issue local cartage permits to warehouse or transfer companies desiring to transport liquor within any city or town and its environs within this State. It shall be unlawful for any person to transport liquor within any city or town or its environs unless and until he shall have secured such permit. In the case of local cartage, liquors shall not be transported by

the holder of such local cartage permit unless and until a description of the vehicle or vehicles used in such transportation shall be furnished, including the engine number, date of manufacture, highway license number and such other information as may be required by the Commissioner; and each such vehicle shall be plainly marked or lettered in such manner as to plainly indicate that such vehicle is being used for the transportation of liquors by the holder of a Local Cartage Permit. The transportation of liquor by the holder of a permit in any vehicle not so described and marked shall be unlawful and shall constitute grounds for the cancellation of such permit. In the event such Local Cartage Permit is cancelled for a violation of this provision or for violation of any rule or regulation promulgated in pursuance of this section, such cancellation shall operate as a bar, both as against all of the vehicles owned and operated by such local cartage permittee, as well as against the holder of such permit for a period of two (2) years. It shall be unlawful for the holder of a Local Cartage Permit to transport liquor between incorporated towns or cities in this State unless and until he shall have fully complied with the requirements governing the issuance of "Carrier" permits. The annual license fee for Local Cartage Permits shall be Five Dollars (\$5.00).

(m) Storage Permit.—The holders of brewery, distillery, winery, rectifier, wholesaler and beer and wine wholesaler permits shall be authorized to secure Storage Permits for one or more private warehouses for storage purposes at their place of business for liquors owned by them without being required to pay any additional permit fees. Such permittees shall also be authorized to store liquors owned by them in public bonded warehouses that have secured storage permits as hereinafter provided. Each separate warehouse, public or private, used by any permittee for storage purposes shall be separately licensed. No permit shall be granted for the storage of liquor in any dry area except for medicinal or other lawful purposes. When liquors are stored by permittee at any warehouse, public or private, it shall be his duty to report the quantity and character of liquor so stored to the Commissioner. Warehouses, both pub-

lic and private, shall report to the Commissioner, within twenty-four (24) hours, any and all withdrawals of liquor from storage, giving the quantity and character of liquor so withdrawn, by whom withdrawn, where and how shipped, together with a statement of the quantity and character of liquor remaining in storage to the credit of the account from which withdrawal was made, it being the intent of this section to provide the Commissioner with a perpetual inventory of liquor stocks in storage at all times. Permittees desiring to store liquors in public or private warehouses shall furnish all information which shall be required and observe all regulations which may be promulgated in pursuance of this section. The annual license fee to be paid by permittees for storage in public warehouses shall be Fifty Dollars (\$50.00), and no liquor shall be stored in other than warehouses which have secured a permit as hereinafter required.

All warehouses, both public and private, desiring to receive and store liquor for permittees shall apply for a permit and shall furnish such information concerning liquor stored and withdrawn from such storage as may be required under any rule or regulation adopted in pursuance of this section. Such warehousemen shall give a surety bond in such amount as may be required of them. The annual license fee for public warehousemen receiving and storing liquor shall be Fifty Dollars (\$50.00) and no permit shall be issued to a public warehouse other than a bona fide bonded warehouse that derives at least fifty per cent (50%) of its gross revenue from the storage and handling of household goods or merchandise other than liquors. Annual permits for private warehouses may be issued to holders of brewery, distillery, winery, rectifier, wholesaler or beer and wine wholesaler permits for the storage of their own liquors on their own premises without additional fees.

(n) Medicinal Permit.—Retail druggists, hospitals, sanitariums, and other like businesses and institutions, shall be entitled to receive a permit to purchase and sell to qualified persons liquors for medicinal purposes. Medicinal permits shall allow the holders thereof to purchase liquor for medicinal purposes only from persons holding wholesaler's permits under

Sub-section (e) of this section; it shall be unlawful for the holder of a medicinal permit to purchase liquor from any other persons than the holders of such wholesaler's permits. This section shall apply to wet and dry areas. Such businesses and institutions shall secure permits before handling liquor and no such permit shall be issued for any other than strictly medicinal purposes. Provided that the drug store applying for permit shall have been in operation for a period of two (2) years prior to applying for such permit. Provided nothing contained herein shall prohibit or interfere with bona fide drug stores or pharmacies obtaining a supply of alcohol for the manufacture of medicinal preparations unfit for beverage use, or the compounding of prescriptions in the practice of pharmacy. Nor shall anything contained herein prevent or prohibit bona fide or chartered schools, colleges or universities from obtaining alcohol for scientific or laboratory use. Such businesses and institutions shall keep such records of sales and purchases as may be required by regulations issued in pursuance of this section.

No such liquors shall be dispensed, sold, or delivered to any person in this State except upon the prescription of a physician licensed to practice medicine in the State of Texas and who is not addicted to the use of any narcotic drug. Such physician shall not prescribe more than one quart of liquor to any person at any one time. A copy of each prescription issued by a physician shall be preserved by the pharmacist or druggist filling such prescription for a period of two (2) years. Any physician or druggist conspiring with a druggist or physician for the handling of prescriptions to be used for the dispensing of liquor for beverage purposes shall both be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000.00) and each prescription so issued shall constitute a separate offense. Prescriptions for liquor must be signed by the physician, using his legal signature as he customarily signs it and each prescription must bear the date and name and address of the patient. Prescriptions for liquor must be filled within twenty-four (24) hours after the time of is-

suance. Such prescription so filled shall be subject to inspection, and if any druggist or pharmacist shall sell any liquor without a physician's prescription therefor, or for any other purpose than medicinal purposes, his permit shall be cancelled and he shall be denied the right to handle liquor for medicinal or any other purpose for a period of two (2) years. Any physician who shall prescribe liquor for any other than medicinal purposes shall be denied the right to issue prescriptions for liquor for a period of two (2) years. Physicians desiring to issue prescriptions for liquor for medicinal purposes shall apply for and obtain a permit therefor. It shall be unlawful for a physician to issue a prescription for liquor for medicinal purposes unless and until he shall have obtained such a permit. The annual license fee for physician's permit shall be Ten Dollars (\$10.00). The annual license fee for druggists or pharmacists permits in dry areas shall be One Hundred Fifty Dollars (\$150.00); in wet areas the annual license fee for druggists or pharmacists shall be the same as the annual license fees for package stores in such areas.

(o) All license fees levied by this Act shall be paid in advance for one year unless such fee be collected for only a portion of the licensing year. In such event the fee required shall cover the period of time from the date of the license to midnight of August 31st succeeding, and only the proportionate part of the fee levied for such license shall be collected. The fractional part of any month remaining shall be counted as one month in calculating the fee that shall be due.

(p) All permit fees fixed by this Act, except agent's industrial, medicinal, carrier's, private carrier's, local cartage and storage, shall be collected one-half by the State, one-fourth by incorporated cities or towns, and one-fourth by the counties wherein the places of business of said permittees are located. It is intended hereby that the license fees prescribed herein shall be the total fees levied and collected against any permittee and in no event shall a city or town or the Commissioners Court of any county levy and collect more than one-fourth of the fees herein prescribed for permittees.

(q) Vendors Permits.—Vendors permits may be issued to persons operating places where bona fide meals are regularly and customarily served. The holders of vendors permits shall be authorized to sell liquor of the types and of the highest alcoholic content that is legal in the area where the licensed premises are located for consumption on the premises where sold.

The holders of vendors permits are prohibited from purchasing liquor from any others than the holders of wholesalers and beer and wine wholesalers permits. It shall be unlawful for the holder of a wholesaler's or a beer and wine wholesalers permit to sell any type of liquor or any liquor having an alcoholic content that is illegal in the area where the permittee's premises are located.

It is especially provided that no person shall be authorized to hold a vendor's permit whose gross sales of food shall not, at all times, exceed his gross sales of liquor. It shall be the duty of the holders of vendors permits to make monthly reports under oath of such sales to the Commissioner in accordance with any rules or regulations he may prescribe and if, at any time, his sales of liquor shall exceed his sales of food for a period of thirty days the Commissioner shall cancel such permit. Any person who shall wilfully and falsely misrepresent the facts concerning such sales shall be guilty of perjury and upon conviction shall be punished by confinement in the penitentiary for any term of years not less than one nor more than five.

It is further especially provided that no vendors permit shall be issued in any area authorizing the sale of liquor by the drink of any type or of any alcoholic content that is illegal in such area.

Annual fees for vendors permits shall be as follows:

In cities having a population not exceeding 50,000 according to the last Federal Census, \$50.00; in cities having a population not exceeding 100,000, \$100.00; in cities having a population not exceeding 150,000, \$200.00; in cities not exceeding a population of 200,000, \$300.00; in cities having a population exceeding 200,000, \$500.00; outside the corporate limits of any city or town, \$50.00.

The annual fee for vendors permits issued to the owners, operators, lessors, or lessees of railway dining cars shall be \$5.00 and a separate fee shall be charged for each car.

In no event shall any drink of liquor be served by the holder of a vendors permit that contains alcohol in excess of 24% by volume.

(r) No person shall be entitled to hold a package store permit when he has been issued a permit authorizing sale in broken packages and no person holding a broken package sale permit shall be issued a permit authorizing sale by unbroken packages only; provided, this restriction shall not apply to hotels where they shall have complied with regulations of the Commissioner regulating the proper segregation of the operation of a package store from operation under a permit authorizing the sale of liquor from broken packages.

Sec. 19. All bonds required by this Act shall be executed by a surety company duly authorized and qualified to do business in this State. No surety may cancel or annul any surety bond required except with the consent of the Commissioner. The Commissioner shall not cancel any surety bond until said surety company shall have paid and discharged in full all of its liability upon said bond to the State to the date of said cancellation. The holders of all permits shall be required to make bonds in sums of not less than \$1,000.00 and not exceeding \$25,000.00. The Commissioner, in his discretion, may fix the amount of bond which shall be required for each class of permittees. All bonds required of permittees shall be payable to the State of Texas conditioned that so long as the applicant holds such permit unrevoked he will not violate any of the provisions of any of the laws of this State relating to the traffic in, transportation, sale or delivery of liquor or any of the rules or regulations of the Commissioner, and that he will pay all fines, penalties, forfeitures and costs accruing against him, and in the case of such permittees as are required to account for taxes and fees, that such permittees will account for and pay all license fees and taxes levied by this Act.

Sec. 20. No person holding a permit under this Act that authorizes the retail sale of liquor, and no of-

ficer, employee, or agents thereof, shall acquire or hold or own or possess either in his own name or in the name of any other person, by means of the ownership of corporate stock in a corporation, holding any wholesaler's, brewer's, distiller's, winery, rectifier's or beer and wine wholesaler's permit, or by means of any participating interest or other interest, or by means of any title or device or trusteeship or otherwise, any financial interest in or to any of said last named permits, or in and to the business thereof, or in and to any company or corporation holding any such permits; nor shall the holders of permits to distill, rectify or manufacture liquor or engage in the business of selling such liquor at wholesale own any such interest in the business or premises of the holder of a permit authorizing the retail sale of liquor. The permit of any person holding a permit authorizing him to sell liquor at retail who shall have any such interest in the business of any such permittees, or who shall knowingly permit any of his officers, employees or agents to so hold the same, shall be subject to cancellation by the Commissioner.

Sec. 21. No person who has not been a citizen of Texas for a period of three years immediately preceding the filing of his application therefor shall be eligible to receive a permit under this Act. No permit shall be issued to a corporation unless the same be incorporated under the laws of the State and unless at least fifty-one per cent (51%) of the stock of the corporation is owned at all times by citizens who have resided within the State for a period of three years and who possess the qualifications required of other applicants for permits; provided, however, that the restrictions contained in the preceding clause shall not apply to corporations, either domestic or foreign, that were doing business in this State prior to August 24, 1935. Partnerships, firms and associations applying for permits shall be composed wholly of citizens possessing the qualifications above enumerated. Any corporation holding a permit under this Act who shall violate any provision hereof, or any rule or regulation promulgated hereunder, shall be subject to forfeiture of its charter and it shall be the duty of the Attorney General, when any

such violation is called to his attention, to file a suit for such cancellation in a district court of Travis County. Such provisions of this section as require Texas citizenship or require incorporation in Texas shall not apply to the holders of agent's, boat, industrial, medicinal and carrier's permits.

Sec. 22. If any permittee shall be convicted for the violation of any provision of this Act, or any rule or regulation of the Commissioner, and no appeal is pending, his surety shall be liable for any fines or penalties imposed by reason of the conviction, in addition to any taxes or fees levied under this Act which may be due the State at the time the license is revoked, and the Commissioner may, in his own name, institute action upon such bond for the benefit of the State. Upon proof of such conviction, the Court before whom such suit is brought shall render judgment in favor of the Commissioner for the total sum of any fines or penalties imposed and any taxes or fees due.

Nothing in this Act shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished by any prior recovery or recoveries as the case may be.

The surety may terminate its liability under such bond by giving thirty days' written notice thereof, served either personally or by registered mail, to the principal and to the Commissioner; and upon giving such notice the surety shall be discharged from all liability under such bond for any act or omission of the principal occurring after the expiration of thirty days from the date of service of such notice. Unless on or before the expiration of such period the principal shall duly file a new bond in like amount and conditioned as the original in substitution of the bond so terminated, the permit of the principal shall likewise terminate upon the expiration of such period.

Sec. 23. All persons having any liquor on hand in this State, shall, within thirty (30) days from the effective date of this Act, make a true inventory and report of such liquor to the Commissioner and shall pay the taxes herein levied and assessed. Failure to report and pay the taxes on any such liquor shall render the

same subject to confiscation by the Commissioner as is herein provided, and shall operate as a bar to such person receiving any character of permit under this Act.

Sec. 24. There is hereby levied and imposed in addition to the other fees and taxes levied by this Act the following:

(a) A tax of sixty cents (60c) per gallon on each gallon of spirituous alcoholic liquor containing more than twenty-four (24) per cent alcohol by volume, sold or offered for sale in this State except denatured and industrial alcohol.

(b) A tax of thirty cents (30c) per gallon on each gallon of spirituous alcoholic liquor containing not more than twenty-four (24) per cent alcohol by volume, sold or offered for sale in this State.

(c) A tax of two (2) cents on each gallon of still wine that does not contain over fourteen (14) per cent of alcohol by volume, sold or offered for sale in this State.

(d) A tax of ten (10) cents on each gallon of still wine containing more than fourteen (14) per cent and not over twenty-four (24) per cent of alcohol by volume, sold or offered for sale in this State.

(e) A tax of fifty (50c) cents on each gallon of still wine containing alcohol in excess of twenty-four (24) per cent by volume, sold or offered for sale in this State.

(f) A tax of fifty (50c) cents on each gallon of natural sparkling wines sold or offered for sale in this State.

(g) A tax of twenty-five cents (25c) on each gallon of artificially carbonated wine sold or offered for sale in this State.

(h) A tax of fifteen cents (15c) on each gallon of malt liquor containing alcohol in excess of four per cent (4%) by weight sold or offered for sale in this State.

The tax herein levied shall be paid by affixing stamps on each bottle or container of liquor. Said stamps shall be affixed in strict accordance with all rules and regulations promulgated in pursuance of this Act. It shall be the duty of the holders of wholesalers, beer and wine wholesalers and winery permits to affix said stamps on each bottle or container of liquor and to cancel the same by writing or printing thereon his name. In the

case of wines the stamp shall be affixed to the original container and no further stamps shall be required if a portion or the whole of said contents of said original container be removed for resale as provided for in this Act. In case any bottle containing liquor be enclosed in a sealed metal container the affixing and cancellation of said stamps may be governed by rules and regulations promulgated hereunder that may allow for the affixing of said stamps to such metal container; provided that when stamps have been once affixed, as provided in this Act, no other or further stamps shall be required, regardless of how often such liquor may be sold or resold within the State; provided further, that the stamps shall be affixed in such manner that their removal will require continued application of steam or water. Every holder of a wholesaler's permit shall, upon receipt of a shipment of liquor for sale within this State, under the provisions of this Act, within twenty-four (24) hours after receiving the same and before it is offered for sale, prepare a true invoice thereof and give such other information in respect thereto as may be required by rules and regulations. Any holder of a wholesaler's permit, a distiller's permit, rectifier's permit, beer and wine wholesaler's permit or a brewer's permit, having in possession any liquor intended for shipment to any place without the State, shall keep such liquors in a separate compartment from that of liquors intended for sale within the State so that the same may be easily inspected and shall attach to each such package of liquor so intended for shipment without the State, a stamp of the kind and character that shall be required by proper rule or regulation denoting that the same is not intended for sale within the State. When such liquors are so kept and so stamped no tax on account thereof shall be charged. For defraying the expenses thereof, a charge of the sum of twenty-five cents (25c) shall be made for every such stamp. All such permittees authorized to transport liquor beyond the boundaries of this State shall furnish duplicate copies of all invoices for the sale of such liquors within twenty-four (24) hours after such liquors have been removed from their place of business.

Sec. 25. Whenever any of the persons licensed under this Act fail to account for any taxes or license fees levied herein, or defaults in any of the conditions of his bond, or fails or refuses to pay the Commissioner any obligation or liability, forfeiture or penalty imposed upon him by this Act, the Commissioner shall report the same to the Attorney General who shall immediately institute the necessary action in a District Court of Travis County, Texas, and the county and district attorneys of the various counties of the State shall likewise assist the Commissioner in the performance of this duty.

Sec. 26. Whenever the term "dry area" is used in this Act it shall mean and refer to all counties, justice precincts, incorporated cities or towns wherein the sale of intoxicating liquors had been prohibited by valid local option elections held under the laws of the State in force at the time of the taking effect of Section 20, Article XVI, Constitution of Texas, in the year 1919. It likewise shall mean and refer to any such area where such sale shall be prohibited under the terms of this Act.

The term "wet area" shall mean and refer to all counties, justice precincts, incorporated cities or towns where the sale of intoxicating liquors had not been prohibited by local option elections held under the laws of the State and in force at the time of the taking effect of Section 20, Article XVI, Constitution of Texas, in the year 1919. "Wet area" shall likewise mean and refer to any such area as shall by local option election vote to legalize the sale of intoxicating liquors.

Neither the term "wet area" nor "dry area" shall in any wise modify the status of counties or their political subdivisions that have held or shall hereafter hold local option elections under the provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature.

The word "person" or "persons", whenever used in this Act, shall be held and construed to mean and include persons, firms, and corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee.

The courts of this State shall take judicial knowledge of the status of wet and dry areas as herein defined

in any criminal prosecution instituted, either by complaint, information or indictment.

Sec. 27. It shall be unlawful for any person to sell or offer for sale in this State any alcoholic liquors under the name or brand of "whiskey", or that has printed or otherwise labeled upon the bottle or container containing such alcoholic liquor the term "whiskey", unless such alcoholic liquor be an alcoholic distillate from fermented mash of grain or be a combination, mixture, or blend of such distillates from fermented grains, to which there has been added neither alcoholic nor other spirits distilled from material other than grain. This section shall not apply to foreign types of whiskey that were manufactured in and in compliance with the laws of foreign countries.

Sec. 28. In any city where the sale of liquor as herein defined is prohibited by its charter from being sold in its residence section, or any part thereof, such charter amendment shall remain valid and continue effective until such time as said charter provision may be repealed or amended as provided by law.

Sec. 29. No sale or delivery of liquor shall be made on or from the premises of the holder of any permit (except upon the prescription of a duly licensed physician):

(a) Between midnight and seven o'clock a. m., on any day;

(b) On any day on which any primary or general election is being held either State or National, in the District in which the permittee is located;

(c) On any day on which an election either county or municipal is held in the municipality in which the permittee is located;

(d) On Sundays;

(e) No liquor shall be sold at any time within three hundred (300) feet of any church or school.

Sec. 30. It shall be unlawful for the holder of any permit selling liquor at retail to employ in his place of business any person under the age of twenty-one years to sell, deliver or otherwise handle liquor. It shall further be unlawful for any person to knowingly sell, deliver or give away any liquor to any person under the age of twenty-one years, or to any

person who is visibly intoxicated, or to any person known to be an habitual drunkard or to any insane person.

Sec. 31. No person shall transport into this State or between points in this State upon any public highway any liquor unless the person accompanying and in charge of such shipment shall have present and available for exhibition such bills of lading, evidence of ownership, or shipment, as the Commissioner may, by rules and regulations require, and no person shall refuse to exhibit or permit to be read or examined any such bill of lading, evidence of ownership, or shipment, by any agent or employee or deputy of the Commissioner or any peace officer of this State.

Sec. 32. If any person shall forge or counterfeit or cause or permit to be forged or counterfeited any stamp, die, plate, official signature, certificate, evidence of tax payment, permit, license or other instrument, or any part of any stamp, die, plate, official signature, certificate, evidence of tax payment, permit, license or other instrument, which has been provided for in this Act or which shall hereafter be provided for, or shall knowingly utter, use or pass the same, he shall be deemed guilty of a felony and shall be punished by confinement in the State penitentiary for any term of years not less than one or more than five.

Sec. 33 (a). Any room, house, building, boat, vehicle, structure or place where intoxicating liquor is manufactured, sold, kept or bartered in violation of the laws of this State and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not more than one year. Any person who is twice convicted under the provisions of this section shall for the second and all subsequent offenses be punished by fine of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars and by confinement in the county jail for not less than thirty days nor more than one year. If

a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure or place is occupied or used for the manufacture or sale of liquor contrary to the provisions of the laws of this State and suffers the same to be so occupied or used, such room, house, building, boat, vehicle, structure or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation and any such lien may be enforced by action in any court having jurisdiction.

All intoxicating liquors transported in this State upon which any lawful tax to the State has not been paid for the purpose of this section shall be deemed to be kept in violation of the laws of this State.

(b) If a person shall have in his possession within this State any distilled liquors not contained in a container to which is affixed a stamp or other valid evidence showing the payment of the tax on such whiskey due to the State of Texas, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or be confined in the county jail not more than six months, or both.

(c) When any sheriff or deputy sheriff or constable or deputy constable, or any police officer, or any other State or local officer charged with the duty of enforcing the criminal laws of this State shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air-craft, water craft or any other conveyance and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested, and against all persons, firms and corporations directly or knowingly permitting such use of such vehicle, under the provisions of law in any court having competent jurisdiction; but said vehicle or conveyance shall be returned to the owner upon execution

by him of a good and valid bond, with sufficient sureties in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide judgment of the court. The court upon the conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order the sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the costs of the sale, shall pay all liens, according to their priorities, which are established, and by intervention or otherwise at said hearing or in other proceedings brought for said purpose, as being bona fide and as having been created without the lien or having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor and shall pay the balance of the proceeds into the Treasury of the State to the credit of the General Revenue Fund. All liens against property sold under this section shall be transferred from the property to the proceeds of its sale. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same with a description thereof, shall be advertised in some newspaper published in such city or county where taken, or if there be no newspaper published in such city or county, any newspaper having circulation in the county, once a week for two weeks and by hand bills posted in three public places near the places of seizure, and if no claimant shall appear within ten days after the publication of the advertisement the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the State for the benefit of the General Revenue Fund.

All liquors illegally transported in this State upon which any lawful tax due to the State has not been paid, for the purposes of this section, shall be deemed to be transported contrary to law.

No officer making an arrest under this section shall be entitled to assess, collect or receive a fee for making such

arrest unless the defendant is convicted in a contested trial.

Sec. 34. That any liquor found in the possession of any one in this State not having affixed to the bottle or container the stamps required by this Act, except in the case of wines if satisfactory proof be given that the same has been withdrawn from a tax-paid container, or unless it has affixed to the bottle, or container a stamp stating that the same has been withdrawn from a tax-paid container, (the Commissioner shall promulgate regulations for the affixing of such stamps) is hereby declared to be contraband and the same may be seized by the Commissioner or by any of his agents or employees, or by any peace officer, without warrant, and the sheriff of the county in which such seizure is made shall take possession of said liquor so seized for sale at public auction to the highest bidder after due advertisement for a period of ten (10) days, but no sale shall be made to any person other than the holder of a wholesaler's or package store permit, and the sheriff, before the delivery of any liquor so seized to any purchaser, shall require the purchaser to affix the proper amount of stamps to the individual containers as herein provided. Any other confiscation of liquor authorized by the provisions of this Act shall be handled in a like manner. The costs of confiscation and sale shall be paid out of the proceeds derived from such sale. After the costs of such sale have been paid any balance remaining shall be remitted to the Commissioner. It is further provided that any liquor transported in violation of any provision of this Act shall be subject to confiscation and the same shall be sold in the manner herein provided. It is further provided that no liquor of questionable purity and content shall be sold at public auction, but the same shall be destroyed by any officer so seizing the same upon an order of the District Court of the county where the same was seized if such court be of the opinion that such liquor should, for such reason, be destroyed. It is further provided that no liquor sold at public auction as herein provided shall be delivered within a period of five (5) days after such sale, during which time the Commissioner may, in his discretion, reject any bids and

order the liquor resold until a satisfactory bid is had.

Sec. 35. It shall be the duty of all peace officers of this State, including city, county and State, to enforce all provisions of this Act and to assist the Commissioner in detecting violations of this Act and apprehending offenders and of county courts, in case of violations to make recommendations to the Commissioner for revocation of permits. Whenever any officer shall arrest any person for violation of this Act, he shall take into his possession all liquor which the person so arrested has in his possession, or on his premises, which is apparently being used in violation of this Act. In the event the person so arrested is convicted finally, and it is found that the said liquor has been used in violation of this Act, the same shall be forfeited to the Commissioner and shall be delivered by the court or officer to him to be disposed of as herein provided.

Sec. 36. The Commissioners Court of each county in the State, whenever they deem it expedient, may order an election to be held by the qualified voters in said county, or of any justice precinct, incorporated city or town, to determine whether or not the sale of liquors of the various types and alcoholic contents herein defined shall be prohibited or legalized in such county, justice precinct, incorporated town or city; provided it shall be the duty of said court to order the election as aforesaid whenever petitioned to do so by as many as ten per cent (10%) of the qualified voters of said county, or of said political subdivision, taking the votes for Governor at the last preceding general election as the basis for determining the qualified voters in any such county or political subdivision. After the first local option election held as provided in this Act, in any county, justice precinct, incorporated town or city no subsequent election upon the same issue in the same county, justice precinct, incorporated city or town shall be held for the purpose of determining whether or not such liquor shall be legalized or prohibited earlier than one (1) year from the date of the preceding local option election in said county or said political subdivision of said county.

Sec. 37. When the Commissioners Court, of their own motion or upon

the petition provided for, shall order an election as herein provided for, it shall be the duty of said court to order such election to be held at the voting places within such subdivision or county upon a day not less than ten (10) nor more than twenty (20) days from the date of said order, and the order thus made shall express the object of such election and shall be held to be prima facie evidence that all the provisions necessary to give it validity or to clothe the court with jurisdiction to make it valid, have been duly complied with, provided that said court shall appoint such officers to hold such elections as is now required by law for general elections.

Sec. 38. The Clerk of said court shall post or cause to be posted at least one copy of said order in each election precinct in such political subdivision or county affected, for at least six (6) days prior to the day of election, which election shall be held and the return thereof made in conformity with the provisions of the General Laws of the State, and by the election officers appointed and qualified under such laws.

Sec. 39 (a). At said election the vote shall be by official ballot which shall have printed or written at the top thereof in plain letters the words "Official Ballot". Said ballot shall have also written or printed thereon the issue or issues in words and figures prescribed by Section 44 of this Act, which shall be submitted by the order of the Commissioners Court and the Clerk of the County Court shall furnish the presiding officer of each voting box with a number of such ballots to be not less than twice the number of qualified voters at such voting box, and the presiding officer of each voting box shall write his name on the back of each ballot before delivering same to the voter and each person offering to vote at such election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except by such presiding officer or by some officer assisting in the holding of such election under the discretion of such presiding officer when requested to do so by such voter.

(b) Those who favor the sale of liquor of the type or types and alco-

holic contents that may be submitted at any such election shall erase the word "Against", and the words following, by making a pencil mark through same, and those who oppose it shall erase the word "For" and the words following, by making a pencil mark through same. No ballot shall be received or counted by the officers of such election that is not an official ballot and that has not the name of the presiding officer of such election written thereon in the handwriting of such presiding officer as provided by this Act.

(c) The Commissioners Court of each county in the State, whenever they deem it expedient, may order an election to be held by the qualified voters of any area which constituted a justice precinct, incorporated city or town, which had voted to prohibit the sale of intoxicating liquors within the boundaries of said area under any local option law in force prior to the adoption of Section 20 of Article XVI of the Constitution as the same was amended in 1919, for the purpose of determining whether or not the sale of liquors of the various types and alcoholic contents herein defined shall be legalized within such area; it shall be the duty of said court to order an election within said area when as many as fifty qualified voters of said area shall so petition said court; said election shall be held in conformity with the provisions of this Act, and the commissioners court shall designate the officers of election and places of election within said area; the order of election shall describe said area by metes and bounds. In the event any such area shall vote to legalize the sale of liquors within the boundaries of said area, then and in that event said area shall thereafter be governed by the laws pertaining to the sale of intoxicating liquors within the city, town, justice precinct or county in which that area is located.

Sec. 40. The officers holding such election shall, in all respects not herein specified, conform to the General Election Laws in force regulating elections and after the polls are closed proceed to count the votes and within three (3) days thereafter make due report of said election to the aforesaid court. The provisions of the General Election Laws shall be followed in calling and conducting said election where not inconsistent herewith.

Sec. 41. Said court shall hold a special session on the fifth day after the holding of said election, or as soon thereafter as practicable, for the purpose of canvassing the votes and certifying the results, and if a majority of the votes are against the sale of liquor of any type or types and alcoholic contents submitted on said ballot said court shall immediately make an order declaring the results of said vote, and absolutely prohibiting the sale thereof within the said political subdivision after thirty (30) days from the date of declaring the results thereof, and thereafter until such time as the qualified voters therein may thereafter at a legal election held for such purpose by a majority vote decide otherwise; and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes, and declaring the results thereof.

Sec. 42. The order of said court declaring the result and prohibiting the sale of any liquor shall be published by the posting of said order at three (3) public places within the county or the political subdivision in which the election was held, which fact shall be entered by the County Judge on the minutes of the commissioners' court. An entry thus made or a copy thereof certified under the hand and seal of the Clerk of the Court shall be prima facie evidence of such posting.

Sec. 43. If a majority voting at such election vote for the sale of liquor of any type or types and alcoholic contents the Court shall make an order declaring the results and have the same entered of record in the office of the Clerk of said Court, whereupon it shall be lawful in such political subdivision to manufacture, sell and distribute such liquor in accordance with the terms of this Act until such time as the qualified voters therein may thereafter, at a legal election held for that purpose by a majority vote, decide otherwise, and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes and declaring the results thereof. It shall be the duty

of the County Clerk, within three (3) days after the results of any such election have been declared, to certify such results to the Secretary of State at Austin.

Sec. 44. The Commissioners Court shall have the power upon its own motion or upon petition as herein provided to order local option elections for the purpose of determining whether liquor of the various types and alcoholic contents herein provided shall be legalized or prohibited.

In any area where a petition requests or the Commissioners Court desires to submit the question of increasing the alcoholic content or liquors authorized to be sold therein one or more of the following issues may be submitted:

(a) "For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of 4% by weight" and "Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of 4% by weight."

(b) "For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of 14% by volume", and "Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of 14% by volume."

(c) "For legalizing the sale of vinous, malt and other liquors that do not contain alcohol in excess of 24% by volume" and "Against legalizing the sale of vinous, malt and other liquors that do not contain alcohol in excess of 24% by volume."

(d) "For legalizing the sale of all liquors" and "Against legalizing the sale of all liquors."

In any area where it is desired to decrease the alcoholic content of liquors authorized to be sold therein the following issues may be submitted:

(a) "For prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 4% by weight" and "Against prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 4% by weight."

(b) "For prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 14% by volume", and "Against prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 14% by volume."

(c) "For prohibiting the sale of vinous, malt and other liquors that contain alcohol in excess of 24% by volume" and "Against prohibiting the sale of vinous, malt and other liquors that contain alcohol in excess of 24% by volume."

(d) "For prohibiting the sale of all liquors", and "Against prohibiting the sale of all liquors."

The Commissioners Court shall have power to submit any one or more issues upon the same ballot at the same election.

In addition to the issues hereinabove provided for, the Commissioners Court shall have power to submit the issue of whether or not the sale of liquor shall be confined to sales in unbroken packages by the holders of package store permits. When such issue is submitted the ballot shall be worded as follows: "For the sale of liquors in unbroken packages only" and "Against the sale of liquors in unbroken packages only."

If a majority of the votes cast be in favor of prohibiting the sale of liquor to unbroken packages only it shall not operate as a restriction upon the sale of vinous and malt beverages that do not contain alcohol in excess of four per cent by weight, in the event the sale of such beverages be legal in the area where any such election shall be held; nor shall such vote operate as a restriction upon the sale of any vinous or malt liquor that does not contain alcohol in excess of 14% by volume.

Sec. 45. Any person who shall violate any of the provisions of this Act or any rule or regulation of the Commissioner shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, and for the second or subsequent violation such person upon conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

The possession of a license to sell spirituous, vinous and malt liquors issued by the Government of the

United States shall be prima facie evidence that such person, when found in possession of such license, is engaged in the business of selling such liquors.

Sec. 46. The Commissioner shall prescribe, have prepared and furnish, stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this Act. He shall likewise prepare and have printed from time to time all forms necessary to perform his duties.

Sec. 47. For the purpose of enabling the Commissioner to immediately begin the performance of his duties, there is hereby appropriated out of any money in the General Revenue Fund of the State, not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000.00) and said sum shall be immediately available. It is hereby declared to be the legislative intent that no further appropriation shall be made out of the General Revenue Fund to the Commissioner but that the expenses of operation shall be paid out of the funds collected from fees and taxes imposed by this Act. The Commissioner is hereby authorized to set up a revolving fund in the sum of Fifty Thousand Dollars (\$50,000.00) to be maintained at all times out of revenues derived under the provisions of this Act. Said fund shall be used by the Commissioner for the payment of salaries and other expenses necessary in performing his duties and the same is hereby appropriated.

Sec. 48. The Commissioner is hereby authorized to cause to be printed immediately ten thousand (10,000) copies of this Act in pamphlet form for distribution, and as many additional copies as may be required. He shall cause the same to be distributed to all district and county attorneys in this State, to the several district judges of the State, to the county judge of the various counties, and to such other officers and persons in this State as he may deem necessary. The expense of printing such copies shall be paid out of the fees and taxes herein levied and assessed.

Sec. 49. Chapter 7 of Title 11, Penal Code of Texas of 1925, and all amendments thereto, are hereby expressly repealed. Title 80, Revised Civil Statutes, 1925, and all amend-

ments thereto, are hereby expressly repealed.

Section 50. Subject to the requirement that local option elections permitting the manufacture, sale and distribution of vinous and malt beverages containing not to exceed 4% alcohol by weight as hereinafter authorized shall be held in accordance with and pursuant to the provisions of Sections 36 to 44, inclusive, of this Act; and provided further that beer shall not be sold in any city, county or political subdivision thereof of this State except in cities, counties or political subdivisions that had not adopted prohibition by local option election held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article 16, of the Constitution of Texas in 1919, unless and until such city, county or political subdivision shall have held a local option election in accordance with the said Sections 36 to 44, inclusive, of this Act; and provided further that the provisions of this Section shall not be construed to prohibit the sale of beer in cities, counties or subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session, Forty-third Legislature. Chapter 116, Acts of the Regular Session, Forty-third Legislature, is hereby re-enacted and so amended that it shall hereafter read as follows:

Sec. 1 (a) The manufacture, sale and distribution of vinous or malt beverage containing one-half ($\frac{1}{2}$) of one per cent (1%) or more of alcohol by volume and no more than four per centum (4%) of alcohol by weight is hereby authorized within the State of Texas, subject to the terms and conditions herein imposed.

(b) It shall continue to be unlawful to manufacture, sell, barter, or exchange in any city, county or political subdivision thereof, any vinous or malt liquors containing in excess of one-half ($\frac{1}{2}$) of one per cent (1%) alcohol by volume except in cities, counties, or political subdivisions that had not adopted prohibition by local option election held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article 16, of the Constitution of Texas in 1919; except that in cities, counties or political subdivisions which have voted to legalize the sale of beer in accord-

ance with the local option provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature, such beer may continue to be sold lawfully. It is expressly provided, however, that any city, county or political subdivision may vote in accordance with and pursuant to the provisions of Sections 36 to 44, inclusive, of the Texas Liquor Control Act to permit or prohibit the manufacture, sale and distribution of vinous and malt beverages containing not to exceed 4% alcohol by weight.

(c) The word "beer" as hereinafter used in this Act and for the purposes of this Act shall mean beer containing one-half ($\frac{1}{2}$) of one per cent (1%) or more of alcohol by volume and not more than four per centum (4%) of alcohol by weight.

Sec. 2 (a) Beer can be manufactured, sold and distributed in barrels, kegs, bottles and other containers.

(b) As a standard of measure the word "barrel" shall mean a container containing thirty-one (31) standard gallons.

Sec. 3. (a) A "manufacturer" is hereby defined to be any person licensed to manufacture or brew beer and to distribute and to sell the same to others in the original package.

(b) A "general distributor" is hereby defined to be any person licensed to distribute or to sell beer to local distributors, retail dealers and/or others in the original package.

(c) A "local distributor" is hereby defined to be any person licensed to sell and distribute beer to retail dealers and ultimate customers in the county of his residence in unbroken packages not to be consumed on the premises where sold.

(d) A "retail dealer" is hereby defined to be any person licensed to sell beer in bottles and from kegs, barrels or other containers to the ultimate consumer.

(e) A "general distributor" shall procure the primary license in the county of his domicile or residence, and if he desires to establish any place of business in any other county, he shall present his license secured from the county of his residence to the Tax Collector of such County together with a license fee of Fifty Dollars (\$50.00) and it shall be the duty forthwith of such Tax Collector to issue a license

for such general distributor in such county.

(f) A distributor, local or general, may maintain necessary warehouses, for storage purposes only, from which delivery may be made without such warehouses being licensed.

(g) "Person" shall include any corporation, partnership, association and person or group of persons.

Sec. 4. It shall be unlawful for any person to manufacture or brew for the purpose of sale or to sell or distribute any beer without first having applied for and secured a license as required by this Act.

Sec. 5. Before any license required by this Act shall be issued the license fee required therefor shall be paid to the County Tax Collector of the county where such license is issued for the use and benefit of the General Fund of the State of Texas. Annual fees required for license authorized by this Act shall be as follows:

(a) For a license authorizing the manufacture and sale by a manufacturer, \$500.00.

(b) For a general distributor \$200.00.

(c) For a local distributor, \$50.00.

(d) For a license authorizing the sale of beer by retail dealer for consumption on or off the premises where sold, \$25.00.

(e) For license authorizing the sale of beer by retail dealer in the original container direct to the consumer, but not for resale, and not to be consumed on the premises where sold, \$10.00.

(f) All licenses issued under the terms of this Act shall terminate at midnight on the thirty-first day of December of each year and no license shall be issued for a longer term than one year. On or before the first day of January 1936 and annually thereafter each and every person owning a license issued under the terms of this Act may by written application filed with the Tax Collector of the county of his residence, not more than thirty (30) days prior to the first day of January, renew such license so held by him. Such applications shall be in writing, signed by the applicant and contain full and complete information as to the business to be conducted and all other information as set out and required in the original application upon which such original license was

issued, accompanied by a fee of Two Dollars (\$2.00), which said sum of Two Dollars (\$2.00) shall be in addition to the amounts in this Act required to be paid for annual licenses, as a renewal fee charge. Such sums so paid as renewal fee charges shall be retained by the respective County Tax Collectors as fees of office and be so accounted for by them respectively. Upon the presentation of such application for renewal of license, together with the sums required by this Act for an annual license, plus the said renewal fee of Two Dollars (\$2.00), it shall be the duty of the County Tax Collector to forthwith issue such renewal license upon the form to be prescribed by the Commissioner; provided, however, that no applicant for a license under the terms of this Act shall be required to pay at any one time more than the annual fees required for licenses hereunder; but such applicant shall always be required to pay such fees in advance and if such license so sought is for a portion of a year only, then the fee required to be paid for the issuance of such license shall cover the period of time from the date of such license to midnight of the thirty-first day of December following, and only such proportionate part of such annual license fee as required under the terms of this Act as the period of time between the date of such license and the thirty-first day of December following bears to the calendar year shall be required to be paid by such applicant.

(g) No manufacturer, general distributor, local distributor or retail dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business, nor shall any such license be voluntarily assigned more than once, but before assignee of such license can engage in business thereunder he or they shall comply with the provisions of this Act as required by original licensee and provided further, that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or mortgage and the purchaser of such license in such sale shall have the right to surrender such license to the State or County which issued the tax receipt which is the basis thereof and shall receive therefor pro rata unearned portion of such license provided that

should said original licensee or his assignee desire to change the place designated in said license he may do so by applying to the County Judge as in the case of the original application for license as provided in this Act.

(h) The Commissioners Court of each County in this State shall have the power to levy and collect from every person that may be licensed hereunder in said county a license fee equal to one-half ($\frac{1}{2}$) of the State fee; and where any such license fee is assessed in any incorporated city or town, said city or town shall have the power to levy and collect a license fee not to exceed one-half ($\frac{1}{2}$) of the State fee, but no other fee or tax shall be levied by either. But nothing shall be construed as preventing the levying, assessing, and collecting general ad valorem taxes on the property of the said persons, individuals, partnerships or corporations so licensed.

(i) Every license issued prior to the effective date hereof to any manufacturer, general distributor, local distributor or retail dealer, shall remain in force for the period of time that it would have been in force without the passage of this Act, provided, however, that the power and authority heretofore granted to the State Comptroller for the enforcement of Chapter 116, and the duties imposed upon him are hereby transferred to the Division of Liquor Control herein created; and provided that the schedule of license fees provided in sub-sections (d) and (e) of this Section 5 shall not be effective until January 1, 1936.

Sec. 6. (a) There is hereby levied and assessed a tax at the rate of Seventy-five Cents (75c) per barrel on all beer sold, stored or distributed in this State or imported into this State. On imported beer the duty of paying said tax and affixing and cancelling the tax stamp as required under this Act shall rest primarily on the importer, and it is hereby declared to be unlawful to import beer into this State unless said tax has first been paid and the tax stamp evidencing such payment has been first affixed and cancelled as required by this Act.

It is the intention of this Section to impose upon all persons importing beer into this State the duty of paying said tax and affixing said stamp as required by this Act before said beer is imported into the State. Pro-

vided, however, if it should be determined that this subsection imposes an undue burden on interstate commerce and for that reason is invalid, then, it is hereby declared to be the legislative intent, nevertheless, to levy and collect the tax at the rate herein prescribed upon all beer sold, stored or distributed in this State, or imported into this State, and the duty of paying this tax shall rest upon the first person selling, storing or distributing said beer in this State; provided, further, however, that the tax herein prescribed shall be paid but one time.

No manufacturer, however, shall be required to affix any stamps on any container of beer to be transported out of this State while same is stored in any brewery where same is brewed.

It shall be unlawful to transport to destinations in this State any beer upon which said tax has not been paid.

(b) Said tax shall be paid and evidenced by placing stamps as hereafter provided in the denomination required on each original barrel, keg, box, carton or other container in which beer in bulk or in bottles is packed; provided, however, that such container shall not contain more than the content of one (1) barrel of beer; and provided further, that at the time such stamp is affixed the person affixing the same shall by indelible ink or stamp cancel said revenue stamp by placing the date of his or its full name or initials on said revenue stamp.

(c) Provided further that if at the time said beer is received in this State, said stamps, as required by this Act, have already been affixed and/or dated and initialed, the person receiving the same shall be relieved therefrom, but he shall not be relieved from dating or initialing the same if no initial or date appears on said stamp upon receipt of said beer.

(d) Said stamp shall be placed on each barrel, keg, carton, box or other container upon which the stamp is required to be affixed in such way that such container cannot be conveniently and practically opened without mutilating or defacing said stamp. Every person opening any such container upon which a stamp has been placed shall at the time mutilate or otherwise deface such stamp so that the same cannot be used again.

(e) No bottled beer shall be stored in this State unless the same be in a

container, unless the same is exposed for sale or is being cooled for sale, except when the same is legally in the possession of the ultimate consumer; nor shall any beer be stored or sold in this State except to the ultimate consumer, unless the same is packaged or contained in a container properly stamped.

(f) If any person has paid the tax on any container of beer by affixing stamps thereon, and thereafter said beer is shipped out of Texas for consumption, a claim for refund may be made on paying a fee of Five Dollars (\$5.00) to the Commissioner at the time and in the manner prescribed by him. So much of said fund as may be necessary not to exceed two per centum (2%) thereof is hereby appropriated for such purpose. Said officer may promulgate rules and regulations generally for the enforcement of this Act.

Sec. 7. It is the purpose and intent of this Act to require the tax to be paid and the stamp evidencing the same to be affixed on the first sale, distribution, storage or transportation and at the source, to the end that it will preclude any person evading the payment of this tax, and so as to relieve as nearly as possible the consumer and retail dealer from having to affix said stamps.

Sec. 8. (a) It shall be the duty of the State Treasurer to have engraved or printed the stamps necessary to comply with this Act and to sell same to all persons upon demand and payment therefor, and one-half ($\frac{1}{2}$) of the proceeds of such sale shall be placed to the credit of the State Available School Fund and one-half ($\frac{1}{2}$) to the General Fund, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design and denomination as the State Treasurer shall from time to time prescribe and shall state the amount of tax, the payment of which is evidenced thereby, and shall contain the words "Texas State Tax Paid."

(b) The sum of Ten Thousand Dollars (\$10,000.00) or so much thereof as may be necessary, is hereby appropriated out of the General Fund with which to pay the costs of providing such stamps. All appropri-

tions of monies authorized by the Forty-fourth Legislature, Regular Session, 1935, for enforcement of the provisions of Chapter 116, Acts Regular Session, Forty-third Legislature, by the Comptroller of Public Accounts, are hereby transferred and made available for expenditure by the Commissioner in the enforcement of this chapter as amended.

Sec. 9. (1) It shall be unlawful for any manufacturer or distributor directly or indirectly or through a subsidiary or affiliate, any agent or any employee, or by any officer, director, or firm member:

(a) To own any interest in the business of any retail dealer in beer, or own any interest of any kind in the premises in which any such retail dealer conducts his or its business.

(b) To hold (after the expiration of any existing licenses) the ownership or any interest in any license to sell brewery products for consumption on the premises covered by such license, except the license of manufacturers to dispense their own products on the brewery premises.

(c) To furnish, give or lend any money or other thing of value, or to extend unusual credit terms, to any person engaged in selling brewery products for consumption on the premises where sold, or to any person for the use, benefit or relief of said person engaged in selling as above or to guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged in selling as above. The extension of credit for longer period of time than is generally extended to regular customers of a manufacturer or distributor covering the purchase of brewery products from such manufacturer or distributor shall be deemed unusual credit terms.

(d) To make or enter into any agreement or contract, the effect of which will amount to the shipment or delivery of brewery products on consignment. "Consignment," as here used, means the delivery of products under an arrangement whereby the person receiving such products has the right at any time prior to sale to relinquish possession to or return them to the shipper, and whereby the title to such products remains in the shipper.

(e) To furnish, give, rent, lend or sell any equipment, fixtures or supplies to any person engaged in selling brewery products for consumption on the premises where sold. This subsection does not apply to such equipment, fixtures or supplies furnished, given, loaned, rented or sold prior to the effective date of this Act, except that such transactions made prior to this date are not to be used as a consideration for an agreement thereafter made respecting the purchase of brewery products; provided, that equipment, fixtures or supplies furnished, given, rented, loaned or sold to any person engaged in selling brewery products for consumption on the premises where sold, prior to the effective date of this Act, when removed from the premises of such person or repossessed by any manufacturer or distributor of brewery products, or by his agents or employees, shall not again be furnished, given, rented, loaned or sold to any person engaged in the sale of brewery products for consumption on the premises where sold.

This sub-section shall not apply to the practice of furnishing carbonic acid gas or tapping accessories, such as rods, vents, hose, washers, couplings, taps, vent tongues, and check valves to persons engaged in selling brewery products for consumption on the premises where sold, when a charge is made for such carbonic acid gas in accordance with the reasonable open market value thereof in the locality where furnished, and if the aggregate cost to any one person of all tapping accessories herein enumerated furnished to him by such manufacturer or distributor in any twelve months' period does not exceed five dollars for each tapping unit used in dispensing brewery products purchased from such manufacturer or distributor.

(f) (1) To furnish, give, lend, rent or sell any interior decorations or signs costing the manufacturer or distributor collectively more than Twenty-five Dollars (\$25.00) in any one calendar year, or to furnish, give, lend, rent or sell any sign or signs for outside use, costing the manufacturer or distributor collectively more than Five Hundred Dollars (\$500.00) in any one calendar year, to any person engaged in selling brewery products, for use in or about or in

connection with any one establishment in which brewery products are sold for consumption on the premises where sold; (2) To pay money or other thing of value for the privilege of placing or painting a sign on the premises occupied by anyone selling brewery products for consumption on the premises where sold. This subsection shall not apply to valid existing contracts for the loan or rental of signs or space for the painting or erection of signs, made prior to the effective date of this Act, but shall apply to prevent the renewal or continuance of any such contract at or after its termination: provided, that any such signs when removed from the premises of such person or repossessed by any manufacturer or distributor of brewery products, or by any of his agents or employees, shall not again be furnished, given, loaned, rented or sold to any person engaged in the sale of brewery products for consumption on the premises where sold.

(g) To pay or make any allowance to any buyer for a special advertising or distribution service (1) unless in pursuance of a written contract defining the service to be rendered and the payment therefor; and (2) unless such service is rendered and the payment is reasonable and not excessive in amount; and (3) unless such contract is separate and distinct from any sales contract; and (4) unless such payment is equally available for the same service to all competitive buyers in the same class in the same trade area.

(h) To offer any prize, premium, gift, or other similar inducement, except advertising novelties of nominal value, to any dealer in or consumer of brewery products.

(i) To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertisement or any other printed or graphic matter, any advertisement of any brewery product, if such advertisement causes, or is reasonably calculated to cause deception of the consumer with respect to the product advertised. An advertisement shall be deemed misleading if it is untrue in any particular or if directly or by ambiguity, omissions, or inference, it tends to create a misleading impres-

sion. Any advertisement of alcoholic content of any brewery product or any advertisement disparaging of a competitor's products, or that is obscene or indecent, shall be unlawful.

(j) To sell or otherwise introduce into commerce any brewery product that is misbranded. A product is misbranded:

(1) If it is misbranded within the meaning of the Food and Drug Acts.

(2) If the container is so made, formed or filled as to mislead the purchaser, or if its contents fall below the recognized standards of fill.

(3) If it misrepresents the standard of quality of product in the branded container.

(4) If it is so labeled that it purports to be any product other than is actually in the container.

(k) To require, by agreement or otherwise, that any retailer engaged in the sale of brewery products shall purchase any such products from such person to the exclusion, in whole or in part, of the products sold or offered for sale by any other person engaged in the manufacture or distribution of brewery products, or to require the retailer to take and dispose of a certain quota of any such product.

(l) To give or permit to be given money or anything of value in an effort to induce agent, employees, or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase brewery products from the maker of such gift, or to influence such employers or principals to refrain from dealing or contracting with competitors.

(m) It shall be unlawful for any manufacturer to accept as a return or to purchase or use a hogshead, barrel, half-barrel, keg, case or bottle permanently branded or imprinted with the name of another manufacturer.

(n) To manufacture or sell or otherwise introduce into commerce in this State any brewery product unless it bears a label showing in plain, legible type the name and address of the manufacturer, or the name of the distributor for whom any special brand is manufactured, the brand or trade name, and the net content of the bottle in terms of United States

liquid measure; or to manufacture or sell or otherwise introduce into commerce in this State any beer or container or dispensing equipment, carton or case for beer bearing a label or imprint which by wording, lettering, numbering or illustration, or in any other manner carries any references or illusion, or suggestions to the alcoholic strength of the product or to any manufacturing process, ageing, analysis or scientific matter of fact, or upon which appears any such words or combination of words, or abbreviations thereof, as "strong", "full strength", "extra strength", "high test", "high proof", "pre-war strength", "full old-time alcoholic strength", or any words or figures or other marks or characters alluding or relating to "proof", "balling" or "extract" contents of the product, or which bears a label that is untrue in any particular or which directly or by ambiguity, omission or inference tends to create a misleading impression or causes, or is reasonably calculated to cause deception of the consumer or buyer with respect to the product.

(2) It shall be unlawful for any retail dealer to dispense any draught beer unless each faucet or other dispensing apparatus is equipped with a sign clearly indicating the name or the brand of the particular product being at the time dispensed through such faucet or other apparatus, which sign shall be in legible lettering and in full sight of the purchaser.

(3) Provided, that if any provision of this Section 9 is for any reason held unconstitutional and invalid, such decision shall not affect the validity of the remaining portions, and the Legislature hereby declares that it would have passed this Act and each section, sub-section, provision, sentence, clause or phrase thereof, irrespective of the fact than any provision is declared unconstitutional.

Sec. 10. (a) Any person desiring a license as manufacturer, distributor or retail dealer may in vacation or in term time file a petition with the County Judge of the county in which the applicant desires to engage in such business, which petition shall state as follows:

If a manufacturer:

(1) That he is a law abiding, tax-paying citizen of this State, over

twenty-one years of age; that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition, and has been a resident of the county wherein such license is sought for more than two (2) years next preceding the filing of said petition.

(2) If a co-partnership, that all of the individuals have the same qualifications as provided in paragraph (1) above.

(3) If a corporation, that applicant is organized and chartered under and has complied with all corporation laws of this State applicable to such corporation; the principal place of business in such county where such license is sought, and the President or Manager shall make an affidavit that he is a law abiding, tax-paying citizen of this State, over twenty-one (21) years of age, and that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition.

If a distributor:

(1) Such applicant shall give the same information required of a manufacturer, including the place or places where such business is to be transacted.

If a retail dealer:

(1) The same information required of a manufacturer.

(2) Whether he desires to sell beer for consumption on or off the premises.

If an individual:

(1) That the applicant shall make an affidavit duly signed and sworn to before any person authorized to administer oaths under the laws of this State, showing that he has not since the effective date of this Act, naming the date in the affidavit, and within two (2) years next preceding the making of said application and while engaged in the manufacture, sale or distribution of beer, paid, contributed or furnished any money or thing of value to any candidate for any public office in this State.

If the application is in behalf of a corporation, the affidavit shall be by the president, vice-president, secretary or treasurer of such corporation and shall contain a statement that the corporation has not paid, contributed or furnished any money or thing of value to any candidate for any public office

in this State since the effective date of this Act, naming the date in the affidavit, and within two (2) years next preceding the making of said application and while engaged in the business of manufacturing, sale or distribution of beer. Any person who makes a false affidavit in reference to the matters and things required by this Section, shall be guilty of a felony, and upon conviction shall be punished as now provided by law for having committed the offense of false swearing.

(b) Such manufacturer, distributor or retail dealer desiring to be licensed shall file said petition with the County Judge who shall set same for a hearing at a date not less than five (5) nor more than ten (10) days from the filing of same, and if upon hearing, he finds the facts stated in such petition are true, he shall authorize a license to be granted as prayed for, provided, however, that upon the filing of such petition, the clerk shall first give notice thereof by posting at the courthouse door a written notice of the filing of said petition and a copy of the substance thereof, and such notice of the filing shall state when the petition shall be heard. Said petition may be inspected by any person. Any citizen shall be permitted to contest the facts stated in such petition and the applicants right to secure license upon giving security for all costs which may be incurred in such suit, should the same be decided in favor of the applicant; provided, however, no county or district attorney shall be required to give bond for such costs but the county or State as the case may be shall be liable therefor.

(c) Upon the court's authorizing a license to be issued, the Judge shall so certify and deliver a copy of such certification to the applicant, who shall thereupon present the same to the County Tax Collector and pay the fee required, whereupon it shall be the duty of the Tax Collector to issue such a license on a form prescribed by the Commissioner showing the amount paid, date, classification and such other information that may be required by the Commissioner, including the correct address of the place of business. A copy of such license shall be sent by the County Tax Collector forthwith to the office of the Com-

missioner and a record thereof kept in said office.

(d) In the event the County Judge denies the application for a license, he shall enter his judgment accordingly and the applicant may within thirty (30) days thereafter appeal to the District Court of the county where said application is made, and such District Court may hear and determine such appeal in term time or vacation by trial de novo. If the applicant shall prevail by final judgment, a certified copy thereof shall be presented to the Tax Collector who shall thereupon accept the fees required and license shall be issued as provided herein.

(e) Any manufacturer, distributor or person shipping or consigning beer into this State shall file with the Secretary of State a certificate certifying the name of his agent upon whom service may be had, his or its street address and business, and if such be not done within fifteen (15) days from the effective date hereof then service may be had on the Secretary of State in any cause of action arising out of the violation of this Act, and it shall be the duty of the Secretary of State to send any such citation served on him to such person who may be in a foreign state, registered, return receipt requested and such receipt will be prima facie evidence of service on such person.

Sec. 11. (a) Upon the payment of the fee to the Tax Collector and the proper evidence from the County Judge that such applicant should be licensed, such Tax Collector shall issue to the applicant the proper license which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, date when it will expire, by whom and where such business is to be conducted and shall describe the place where same is to be kept and whether licensee is authorized to act as manufacturer, general distributor, local distributor or retail dealer of beer as set out in the application.

(b) In the event of the death of any licensee or the dissolution of any corporation or association of persons, leaving unearned portion of any license issued, the legal representatives of such deceased person or surviving partner or director of any such corporation may present the li-

cense of such person to the State and county and receive payment of the unearned portion of licensee fee collected; the State's portion to be paid out of the foregoing appropriation to the Commissioner.

(c) The Tax Collector shall make statements to the Commissioner of the amounts collected by him at the times and in the manner as required by the Commissioner.

Sec. 12. (a) If any person manufactures or sells beer in this State as a manufacturer, distributor or retail dealer without then and there being licensed as a manufacturer, distributor or retail dealer respectively, or

(b) If any person or agent or representative of any manufacturer, distributor or retail dealer shall manufacture or sell beer for any manufacturer, distributor or retail dealer without such manufacturer, distributor or retail dealer being duly licensed as required by this Act, or,

(c) If any persons shall sell, transport, store or otherwise handle intrastate commerce, or conspire to sell, transport, store or otherwise handle in intrastate commerce any beer without the stamp required in Section 6 of this Act being placed on the container as required in such section, or,

(d) If any person shall open any such container having a stamp without then and there mutilating or otherwise defacing such stamp so that it cannot be again used, or,

(e) If any person shall attach to any container of beer any stamp that has been theretofore attached to a different container of beer, or,

(f) Shall refuse to allow on demand the Commissioner or any representative of said Commissioner to make a full inspection of any place where beer is being stored, transported, manufactured or otherwise handled, or,

(g) If any person shall knowingly or willfully sell any beer to any person under the age of twenty-one (21) years, or,

(h) If any person fails to display any license required by the provisions of this Act in some conspicuous place in the house where such business is conducted, or,

(i) If any person shall sell or offer for sale in this State, whether as principal or agent, any beer unless the same be in or from the original container bearing the original label with the full name of the brewer or manufacturer of such beer both upon the label or bottle and/or upon the cap or cork of such bottle or upon the keg.

No female or any male person under eighteen (18) years of age shall be employed to work in or perform any labor in any establishment where beer is sold by retail to be consumed on the premises where sold and where the sale of beer is the principal business conducted at such place of business, or,

(j) If any person shall violate any provision of this Act whether specifically enumerated above or not,

(k) He shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in the sum not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than one year or by both such fine and imprisonment except when some other penalty is specifically provided by this Act, in which event the penalty specifically provided shall apply to the specific act or omission.

Sec. 13. (a) Each manufacturer and distributor shall be required to keep records of the amount of beer manufacturer and/or bought or received by them and the amount sold, the amount of stamps purchased by them and the amount of stamps used by them and such other records as may be required to be kept by the Commissioner, which records at all times shall be open for the inspection of the Commissioner or its duly authorized representative at reasonable office hours.

(b) If any person shall commit any offense prescribed by Section 13 or violate any other provision of this Act, he shall also forfeit to the State a penalty not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) to be recovered by the State in a suit filed in Travis County or in any county in which such violation may have occurred, which money shall be paid into the State Available School Fund, and each day of such violation shall

constitute a separate and distinct violation.

(c) Each sale to any person under twenty-one (21) years of age under the provisions of this Act shall constitute a separate offense.

(d) It shall be unlawful for any person in all counties or subdivisions thereof wherein the sale of beer as defined by this Act is authorized to be sold, to sell beer on the day of any general primary election or general election held in this State, between the hours of seven o'clock A. M. and eight o'clock P. M. of the day, and

(e) It shall be unlawful for any person engaged in or having any interest in any business which manufactures, sells or distributes beer, as defined in this Act, to contribute any money or any other thing of value toward the campaign expenses of any candidate for any office in this State.

(f) No person who may engage in the sale of beer, as a principal business and which is to be consumed on the premises, under the provisions of this Act shall offer for sale or sell such beer between the hours of twelve o'clock midnight and seven o'clock A. M. on each day as herein provided and from and after twelve o'clock midnight Saturday until seven o'clock A. M. Monday of the following week.

(g) The Commissioners' Court of any county in the territory thereof outside of incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of beer by any dealer whose principal business is the sale of beer where the place of business of any such dealer is within three hundred (300) feet of any church, school or other educational institution, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur. No license or permit shall ever be granted, nor shall beer ever be sold in or upon any property, State parks excepted, owned by or under lease by the State or within three hundred (300) feet of the grounds of the State Capitol. This shall not apply to property of the State which is un-

der lease and being used and occupied by others.

(h) The County Judge of any county after ten (10) days' notice and hearing may revoke the license of any licensee of such county:

1. When disorderly or immoral practices are permitted on the premises, or spirituous, vinous or malt liquors are illegally sold on the premises.

2. Where the word "saloon" is printed, painted or placed upon the door, window or in any other public place on or about the premises or when the word "saloon" is used in any advertisement by the licensee.

Sec. 14. Any person, other than the State Treasurer or his duly authorized agent who shall print or engrave or directly aid in or cause the printing or engraving of any stamp or stamps evidencing or purporting to evidence the payment of any tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamps in connection with the sale or offering for sale of any beer, or shall place or cause to be placed on any container containing or to contain such beer any such unauthorized or counterfeit stamps, or if any person shall knowingly possess any counterfeit stamps or shall counterfeit any license to be used in lieu of the stamps or license as required by this Act, he shall be guilty of a felony and upon conviction be punished by imprisonment in the penitentiary for not less than two (2) years nor more than five (5) years.

Sec. 15. Any person, whether as principal or agent of any firm, corporation or association of persons engaged in the business of manufacturing and selling or in the business of distributing and selling or in the retail business of selling beer under license which does not permit such beer to be opened and consumed on the premises where sold, who shall permit any such beer so manufactured and sold or distributed and sold to be opened and consumed on the premises where sold, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

Sec. 16. In addition to the penalties herein provided, the license of any person convicted of violating any of the provisions of this Act shall be subject to forfeiture in a suit filed by the State for such purpose by reason of such conviction; and no license shall be re-issued to any person whose license for any of such occupations has been revoked or forfeited within one (1) year next preceding the filing of his application for a new license.

Sec. 17. In case the license of any licensee hereunder is forfeited under the provisions of this Act, nevertheless such licensee shall be authorized to sell or dispose of in bulk any stock of beer he may have on hand at the time such license is forfeited.

Sec. 18. It is hereby declared to be lawful to transport beer, as herein defined, from any place in this State, where the sale, manufacture and distribution thereof is authorized by law, to any other place within this State where the same may be lawfully manufactured, sold or distributed; and from the State boundary to any such place, even though in the course of such transportation the route over which the same is being transported may traverse local option territory in which the manufacture, sale and distribution of said beer is prohibited. Provided, however, that any such shipments must be accompanied by a written statement furnished and signed by the shipper showing the name and address of the consignor and the consignee, the origin and destination of such shipment and it shall be the duty of the person in charge of such cargo while it is being so transported to exhibit such written statement to any peace officer making demand therefor, and said statement shall be accepted by such officer as prima facie evidence of the lawful right to transport such beer.

Sec. 19. In all cases where any person pursuing the occupation of selling beer containing not more than four per centum (4%) of alcohol by weight under licenses issued in accordance with the laws of this State has been or shall hereafter be prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county or subdivision thereof

the proportionate amount of license fees paid by him for the unexpired term shall be refunded to him.

Sec. 20. No "blinds" or barriers of any kind or character shall be installed or maintained in the openings or doors of any establishment whose principal business is the sale of beer; neither shall any windows on said establishments be painted in such a way as to obstruct the views from the general public.

Sec. 21. Upon having called to his attention by affidavit of any credible person that any person is violating, or is about to violate, any of the provisions of this Act, it shall be the duty of the Attorney General or the District or County Attorney to assist in any proceedings to restrain any such person from the threatened or any further violation, and the District Judge shall have authority to issue restraining orders without hearing, and upon notice and hearing to grant injunction, to prevent such threatened or further violation by the person complained against, and may require the person complaining to file a bond in such amount and containing such conditions and in such cases as the Judge may deem necessary. Upon any judgment of the Court that violation of any restraining order or injunction issued hereunder has occurred, such judgment shall operate to cancel, without further proceedings, any license held by the person who is defendant in the proceedings, and no license shall be re-issued to any person whose license has been so cancelled, revoked or forfeited, within one (1) year next preceding the filing of his application for a new license. It shall be the duty of the District Clerk to notify the County Tax Collector and the Commissioner of any judgment of a court which operated hereunder to cancel a license.

Sec. 50. (a) If any section, paragraph, sentence, or phrase of this Act be invalid, then such invalid portion shall not in any way affect the remainder of this Act, and it is hereby declared as the legislative intent that the remainder of this Act would have been passed by the Legislature notwithstanding the invalidity of such section, paragraph, sentence or phrase.

Sec. 50. (b) The fact that the people of Texas have adopted a Constitutional Amendment legalizing the sale of liquor in wet areas as herein defined and the further fact that the traffic in liquor in this State is unregulated at this time, create an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

SHIVERS,
REGAN,
HOPKINS,
RAWLINGS,
MOORE,

On the part of the Senate.

HARRIS of Dallas,
McKEE,
CELAYA,
MORSE,

On the part of the House.

Mr. Morse moved that the report be adopted.

Mr. Broyles called for a full reading of the report.

Mr. Daniel moved that further reading of the conference committee report on House Bill No. 14, be dispensed with at this time.

Mr. Broyles moved to table the motion by Mr. Daniel.

The motion to table prevailed.

Mr. Graves raised a point of order on further consideration of the conference committee report on House Bill No. 14, on the ground that the conference committee report seeks to change the purpose of the original bill.

The Speaker stated that he was without authority to rule on the point of order, inasmuch as the bill is before the House in the form of a conference committee report.

Mr. Daniel moved that the House recess to 12:00 o'clock midnight, October 15.

Question recurring on the motion by Mr. Daniel, it was lost.

Mr. Roach of Hunt moved the previous question on the pending motion on the conference committee report on House Bill No. 14.

Mr. Aikin raised a point of order on further consideration of the motion

by Mr. Roach of Hunt, on the ground that the conference committee report has not been given a full and free discussion.

The Speaker sustained the point of order.

Mr. Alsup moved that further consideration of the conference committee report on House Bill No. 14, be postponed for ten minutes.

Mr. Roach of Hunt moved to table the motion by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—60

Butler of Karnes	Jefferson
Caldwell	Jones of Falls
Celaya	King
Clayton	Knetsch
Collins	Lotief
Colson	Luker
Crossley	McCalla
Davisson	McKee
of Eastland	McKinney
Dickson	Moore
Dunagan	Morse
Dunlap of Hays	Newton
Dunlap of Kleberg	Padgett
Duvall	Patterson
Dwyer	Quinn
Fain	Reader
Frazer	Reed of Dallas
Fuchs	Roach of Hunt
Glass	Roane
Hankamer	Roberts
Hanna	Russell
Harris of Dallas	Scarborough
Hartzog	Smith
Hill	Steward
Hofheinz	Stinson
Holland	Thornton
Hoskins	Tillery
Howard	Walker
Hyder	Wood of Montague
Jackson	Young
James	

Nays—70

Adamson	Calvert
Adkins	Canon
Aikin	Daniel
Alexander	Davis
Alsup	Davison of Fisher
Ash	England
Atchison	Farmer
Beck	Fisher
Bradbury	Ford
Broyles	Fox
Burton	Gibson
Cagle	Graves

Gray	Morris
Greathouse	Morrison
Hardin	Nicholson
Harris of Archer	Olsen
Head	Palmer
Herzik	Petsch
Hodges	Reed of Bowie
Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roark
Jones of Atascosa	Rogers
Jones of Shelby	Rutta
Jones of Wise	Sessions
Keefe	Shofner
Latham	Spears
Lemens	Stovall
Leonard	Tarwater
Lindsey	Tennyson
Lucas	Venable
Mauritz	Waggoner
McConnell	Wells
McFarland	Westfall
Moffett	Youngblood

Absent

Bradford	Lanning
Butler of Brazos	Leath
Colquitt	Payne
Cooper	Pope
Cowley	Stanfield
Craddock	Wood of Harrison
Good	Worley
Lange	

Absent—Excused

Bergman	Fitzwater
Bourne	Settle

Question then recurring on the motion by Mr. Alsup to postpone the conference committee report on House Bill No. 14, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Adamson	Daniel
Adkins	Davis
Aikin	Davison of Fisher
Alexander	Dunlap of Hays
Alsup	England
Ash	Farmer
Atchison	Fisher
Beck	Ford
Bradbury	Fox
Bradford	Gibson
Broyles	Graves
Burton	Gray
Cagle	Hardin
Calvert	Harris of Archer
Canon	Herzik
Cowley	Hodges

Huddleston	Palmer
Hunt	Patterson
Hunter	Petsch
Jones of Atascosa	Reed of Bowie
Jones of Shelby	Roach of Angelina
Jones of Wise	Rogers
Keefe	Rutta
Lanning	Sessions
Latham	Shofner
Leath	Spears
Lemens	Stovall
Lindsey	Tarwater
Lotief	Tennyson
Lucas	Venable
McConnell	Waggoner
Moffett	Wells
Morris	Westfall
Morrison	Wood of Harrison
Nicholson	Wood of Montague
Olsen	Youngblood

Nays—64

Butler of Karnes	Jefferson
Caldwell	Jones of Falls
Celaya	King
Clayton	Knetsch
Collins	Luker
Colson	Mauritz
Crossley	McCalla
Davisson	McFarland
of Eastland	McKee
Dickison	McKinney
Dunagan	Moore
Dunlap of Kleberg	Morse
Duvall	Newton
Dwyer	Padgett
Fain	Quinn
Frazer	Reader
Fuchs	Reed of Dallas
Glass	Riddle
Good	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Harris of Dallas	Russell
Hartzog	Scarborough
Head	Smith
Hill	Steward
Hofheinz	Stinson
Holland	Thornton
Hoskins	Tillery
Howard	Walker
Hyder	Worley
Jackson	Young
James	

Absent

Butler of Brazos	Leonard
Colquitt	Payne
Cooper	Pope
Craddock	Stanfield
Lange	

Absent—Excused

Bergman Fitzwater
Bourne Settle

MESSAGE FROM THE SENATE

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to adopt the conference committee report on House Bill No. 14, by the following vote:

Yeas 6, nays 20.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO MAJORITY REPORT OF COMMITTEE IN REGARD TO ALLEGED IRREGULARITIES IN STATE DEPARTMENT OF AGRICULTURE

The House resumed consideration of pending business, same being motion of Mr. Knetsch, that the majority report of the committee appointed to make certain investigation in regard to irregularities in the State Department of Agriculture, be adopted, and motion by Mr. Hunter that the majority report of the committee be received and filed at this time and that the committee be discharged, pending.

Question—Shall the motion of Mr. Hunter prevail?

Mr. Spears moved that the charges against Hon. J. E. McDonald be dismissed because of insufficient evidence, with the provision that Hon. J. E. McDonald be cited to appear at the bar of the House, and there be publicly reprimanded by the Speaker, for the charges of irregularities and misconduct in the State Department of Agriculture.

Mr. Wells raised a point of order on further consideration of the motion by Mr. Spears on the ground that the House is without authority to carry out the provisions of the motion.

The Speaker sustained the point of order.

Mr. McCalla raised a point of order on further consideration of the above motions, on the ground that the time allotted for the postponement of the

conference committee report on House Bill No. 14 has expired.

The Speaker sustained the point of order.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 14

The House resumed consideration of pending business, same being the conference committee report on House Bill No. 14, with motion by Mr. Morse that the report be adopted, pending.

Mr. Worley moved that the report be not adopted, and that a new Conference Committee be requested to adjust the differences between the House and Senate on House Bill No. 14, with instructions to report a bill containing provisions that the sale of liquor shall be made in unbroken packages. The report to be made not later than 12:00 o'clock midnight.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 141, "An Act to create the Nueces River Conservation and Reclamation District under the authority of Section 59, of Article 16, of the Constitution of Texas authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts, etc., and declaring an emergency."

H. B. No. 113, "An Act making emergency appropriations of \$16,628.00 to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the boys' dormitory and laying water, gas and sewer mains to the students cottages, located at said college, etc., and declaring an emergency."

S. B. No. 55, "An Act creating a special road law for Hartley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of May 23, 1935, set-

ting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners court of said county and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

S. B. No. 64, "An Act creating the Leon River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such district, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

S. B. No. 24, "An Act making appropriations to certain State Eleemosynary Institutions for the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees; and declaring an emergency."

S. B. No. 27, "An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the Livestock Sanitary Commission for additional support and maintenance of the Livestock Sanitary Commission for the balance of the two-year period beginning September 1, 1935, and ending August 31, 1937, to cover the office expenses, traveling expenses, the purchase of dip material, and marking paint, laboratory equipment and supplies, printing, indemnity tubercular cattle owners, of law enforcement, predatory animal extermination, investigation of contagious diseases, salaries of inspectors, and declaring an emergency."

S. B. No. 19, "An Act making appropriation of funds out of the State Treasury, not otherwise appropriated, for the purpose of paying certain Deficiency Certificates for fees and costs of sheriffs, county attor-

neys, and clerks, and declaring an emergency."

S. B. No. 72, "An Act validating, ratifying and confirming the election of trustees, all acts of such trustees, the ordering of election in certain independent school districts for the purpose of issuing bonds, the issuance and sale of such bonds and levy and assessment of taxes in such districts for the purpose of liquidating such bonds in all independent school districts in the State of Texas heretofore created by an Act or Acts of the Legislature providing for the election of three trustees in such districts and which in fact seven trustees have been elected, and declaring an emergency."

S. B. No. 28, "An Act making an appropriation for the purpose of re-roofing and repairing the Governor's Mansion and repairing, improving and refurnishing the Executive Reception Room in the State Capitol Building, and declaring an emergency."

S. C. R. No. 12, Suspending certain Joint Rules to consider Senate Bills Nos. 55 and 72.

ADJOURNMENT SINE DIE

Mr. Reed of Dallas moved that the House of Representatives of the First Called Session of the Forty-fourth Legislature adjourn sine die.

The motion by Mr. Reed of Dallas prevailed, and Speaker Stevenson accordingly, at 12:00 o'clock midnight, pronounced the House of Representatives of the First Called Session of the Forty-fourth Legislature adjourned sine die.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution as follows:

Education: Senate Bill No. 72.

Highways and Motor Traffic: Senate Bill No. 55.

State Affairs: Senate Concurrent Resolution No. 7.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 143, A bill to be entitled
"An Act amending House Bill No. 492
of the Regular Session of the Forty-
fourth Legislature, providing for the
clarification of said bill and making
appropriation of \$10,000 for carrying
out provisions of said bill, providing
for the purchase of necessary forms,
wages, rent, equipment, and supplies
incident to a proper administration of
said law for each year of the bien-
nium ending September first, 1937,
and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 27, Authorizing the
Enrolling Clerk to correct the caption
of House Bill No. 141.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 26, Authorizing the
Enrolling Clerk to correct the caption
of House Bill No. 125.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 141, "An Act to create
the Nueces River Conservation and
Reclamation District under the au-
thority of Section 59 of Article 16,
of the Constitution of Texas author-
izing subordinate districts and for the
creation and government thereof; de-
fining the powers and duties of said
districts; providing for directors and
organization and operation of the dis-
tricts and the authority and duties of
said directors; defining the area of
the parent and subordinate districts;
providing certain duties for the State
Board of Water Engineers, State Re-
clamation Engineers and the Gov-
ernor of the State; providing for the
manner of securing funds for engin-
eering surveys and other purposes
necessary to develop information es-
sential to the ascertainment of the
plan of improvement necessary to se-
cure the control of harmful flood wa-
ters, and the useful distribution of
such water; providing for the survey
of underground waters; providing
that the said districts shall be gov-
erned by the provisions of this Act
and all General Laws of the State of
Texas; providing for the necessary
plans, specifications and data and in
making the necessary surveys, and in
acquiring the necessary lands, leases,
easements, and/or acquittances, and
in building or having built and/or co-
operating in the building of proper
structures, dams, reservoirs and lev-
ees suitable for the control, in so far
as practicable, of the flood waters and
underground waters, of the Nueces
River Watershed; authorizing subor-
dinate districts organized, or which
may be hereafter organized hereunder
and in accordance with the laws of
the State of Texas, to purchase for
the use or benefit of the people of any
such municipality, or the use and ben-
efit of a portion of the area of the
municipality served thereby, works,
buildings, equipment, together with all
the rights, land and easements appur-
tenant thereto and necessary therefor,
for rendering any type of public
service which has heretofore been au-
thorized by the statutes of this State
as a public utility or a public service;
authorizing such municipalities to

borrow money for the purpose of constructing such works and facilities and purchasing such lands, easements and rights; or for extending and enlarging same and to enter into such contracts as may be appropriate for acquiring properties of such nature; or for constructing same, either/or both for the use and benefit of the public; to finance such purchase and/or construction by issuing revenue bonds; providing that such bonds shall never be a debt of any such municipality and shall never be payable from the proceeds of ad valorem taxes; providing that such projects shall be deemed self-liquidating in character; provided that tolls, fees, and other charges made for the use thereof shall be at a rate sufficient to pay the current interest; and provide the necessary sinking fund to discharge said bonds at maturity; providing the right of referendum on petition of ten per cent (10%) of the qualified voters of such municipality; vesting such municipality with the right of eminent domain; prohibiting liens against water power sites, providing a constitutional savings clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 113, "An Act making emergency appropriation of Sixteen Thousand, Six Hundred and Twenty-eight Dollars (\$16,628) to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the boys' dormitory and laying water, gas and sewer mains to the student cottages, located at said college, and purchasing and installing certain fire hydrants along said water mains, and the construction of a septic tank on such college premises; making emergency appropriation of Eight Thousand, One Hundred Eighteen Dollars and Twenty Cents (\$8,118.20) to the Sul Ross State Teachers College, Alpine, Texas, for the balance of

the fiscal year ending August 31, 1936, provided, however, the Sul Ross Teachers College shall be governed by the general provisions of the appropriation bill in the expenditure of the amounts appropriated; making an appropriation of Ten Thousand, One Hundred Dollars (\$10,100) for the construction of two co-operative cottages on the campus of the Texas State College for Women; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 119, "An Act creating a Special Road Law for Bailey County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of April 10, 1935; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 123, "An Act creating a Special Road Law for Swisher County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of July 8, 1935, setting forth the method of operation; validating the indebtedness proposed

to be funded or refunded; validating all Acts and proceedings heretofore had by the Commissioners Court of said county and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 125, 'An Act amending Section 3, of the Lower Colorado River Authority Act, being Chapter 7, of the Acts of the Fourth Called Session, of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 134, "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the Gulf Coast and by reason of the calamitous overflows, floods, and storms which caused great destruction of property and loss of life in said county; remitting, releasing, granting, and donating to the property in and inhabitants of said county and to Orange County nine-tenths (9/10) of all ad valorem taxes levied, or to be levied, on property in said county, in-

cluding the rolling stock of railroads for the years 1932-1957, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 138, "An Act to amend Chapter 75 of the Acts of the First Called Session of the Forty-third Legislature so as to create a Conservation and Reclamation District to be known as Guadalupe-Blanco River Authority, pursuant to and for the purpose set forth in Section 59, of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to levy taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; fixing the boundaries thereof; conferring thereon all powers, right, privileges, and functions conferred by General Law upon Districts, created pursuant to said Section 59, except as expressly limited; conferring certain other powers thereon, including the powers to control, store, preserve, use, distribute, and sell the waters of the Guadalupe and Blanco Rivers and their tributaries, to develop, generate, distribute, and sell water power and electrical energy, to acquire property by condemnation or otherwise, to construct, maintain, use, and operate facilities, to make contracts, bonds for cash, property or refunding purpose on stated terms and conditions, and in connection therewith to pledge all or any part of its revenues; vesting the powers of the District in a board of directors and prescribing the manner of their appointment and their duties, and providing for salaries and expenses and term of office; providing for the appointment of officers, agents and em-

ployees; providing for the fiscal management of the District; preserving existing water rights to the extent provided; prescribing all necessary details; making an appropriation of Five Thousand Dollars (\$5,000) to the District; providing for the repayment of said appropriation; providing that if any provision of this Act shall be held to be invalid, the validity of the other provisions thereof shall not be affected; providing this Act shall not repeal the Act passed by the Forty-third Legislature at its First Called Session, being Chapter 75 of said Act, but the Guadalupe River Authority, provided, however, that the Guadalupe River Authority may be dissolved and merged with the District hereby created by resolution of its Board of Directors; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your committee on Enrolled Bills to whom was referred

H. B. No. 139, "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes, of 1925, of the State of Texas, and to add to said Chapter, Article 6795a, authorizing County Commissioners Courts situated within any County having not less than three hundred and fifty thousand (350,000) population, according to the last preceding Federal Census, to construct, build, acquire own, operate and maintain a toll underpass or tunnel in the State of Texas; and authorizing such Commissioners Court to contract with a proper person, firm or private corporation to own, finance, build, construct, maintain and operate a toll underpass or tunnel and to grant a franchise for that purpose for a period of not to exceed fifty (50) years, with the right of eminent domain, authorizing the promulgation of reasonable traffic rules and regulations and fixing reasonable rates; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 144, "An Act to amend Sections 6 and 7 of Chapter 24, Special Laws, Acts of the Regular Session of the Thirty-eighth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 147, "An Act making an appropriation of Two Hundred and Fifty-nine Dollars and forty-four cents (\$259.44) to pay W. P. McLean, Jr. for twenty-four (24) days attendance as Special Associate Justice of the Supreme Court of Texas, and to pay the sum of Three Hundred and Six Dollars and eighty-eight cents (\$306.88), to Alvin C. Owsley for twenty-eight (28) days attendance as Special Chief Justice of the Supreme Court of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 150, "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of Constitutional Amendments, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 22, Concerning delegates to the National Democratic Convention.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 12, Granting Mrs. Nina R. Wiegand, et. al, permission to sue the State.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 20, Suspending Joint Rule No. 11 and all other Joint Rules until the final disposition of Senate Bill No. 27.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 48, "An Act to add a new section to be known as Section 16a to, and to amend Sections 1 and 7 of, Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature, of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizes such cities to borrow money from the United States Government or other Federal Agencies, or from any person, firm, or corporation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 78, "An Act providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas Prison System for the use of said System in the purchasing of supplies and materials for tag plant, shoe and print shop and other industries and delivery of finished products of said System; and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; and providing for the depositing of said fund in equal amounts in the Huntsville Bank and Trust Company and the First National Bank, all of Huntsville, Texas; and providing for reports of the condition of the Industrial Revolving Fund by the depositories; and providing for the manner in which warrants may be drawn on said fund; providing salary for manager of Central State Prison Farm for the years ending August 31, 1936, and August 31, 1937; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 93, "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 100, 'An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by General or Special Law, after elections held

under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation and all annexations of one or more common school districts with an independent school district created by General or Special Law within the same county by the county school trustees upon the approval of the board of trustees of each school district affected, under the provisions of Chapter 78, Page 206, Acts of the Fortieth Legislature, 1927, First Called Session, and amendments thereto; validating all acts of the County Judge of said county, the Commissioners Court of said county and the election officers in connection therewith, and the acts of the county board of trustees and the trustees of each of said districts; providing for the name and management of said independent district as consolidated and after said annexation; conferring all rights and privileges granted to independent school districts under General Law or by Special Act if said included independent school district shall have been created by Special Act; providing that nothing herein contained shall affect districts where the consolidation or annexation is involved in litigation; or where the proposed consolidation involves a "line district" or a common school district or independent school district a portion of which is situated in one county and another portion in

an adjoining county; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, October 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 118, "An Act creating a Special Road Law for Lamb County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of April 13, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this Law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

**FINAL REPORT OF COMMITTEE ON CONTINGENT EXPENSES
FIRST CALLED SESSION, FORTY-FOURTH LEGISLATURE**

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Herewith we hand you the final account to date of the contingent expense accounts of the House of the First Called Session of the Forty-fourth Legislature. The list includes all that have been received up to this time; all of which have been approved and vouchers issued for the accounts as per numbers and dates herewith:

Date	Voucher No.	TO WHOM ISSUED	Amount
1935			
Sept. 20	2	Sun-Light Pub. Co.	\$.75
Sept. 20	3	Terrell Daily Tribune	3.15
Sept. 20	4	Hillsboro Eve. Weekly Mirror	.80
Sept. 20	5	Greenville Morning Herald	.50
Sept. 20	6	Denton Record-Chronicle	1.00
Sept. 20	7	Henderson News Pub. Co.	.75
Sept. 20	8	Sherman Democrat	.65
Sept. 20	9	Temple Bell Pub. Co.	.60
Sept. 20	10	Cleburne Times Review	.50
Sept. 20	11	Perkins-Wilson, McKinney, Texas	.50
Sept. 20	12	Texas School for Blind	6.65
Sept. 20	13	Texas Book Store	120.00
Sept. 20	14	A. W. Brill	8.70
Sept. 20	15	H. H. Voss	11.00
Sept. 20	16	National Disinfectant Co.	260.00
Sept. 20	17	Brenham Banner Pub. Co.	.75
Sept. 20	18	Postal Telegraph Co.	134.51
Sept. 20	19	T. B. Butler Pub. Co.	.75
Sept. 20	20	Paris News, Paris, Texas	.50
Sept. 20	21	San Angelo Standard	.60
Sept. 20	22	Herald Pub. Co.	.60
Sept. 20	23	Times Pub. Co.	4.50
Sept. 20	24	Southern Pub. Co.	.75
Sept. 20	25	Galveston News	.75
Sept. 20	26	Mart Herald	.50
Sept. 20	27	Laredo Times	.65
Sept. 20	28	Underwood Elliott Fisher	27.20
Sept. 20	29	Gussie Evans	225.00
Sept. 20	31	Von Boeckmann-Jones	3,788.74
Sept. 20	32	Marshall News Messenger	2.50
Sept. 20	33	Galveston News	.75
Sept. 21	34	C. J. Martin & Sons	4.50
Sept. 20	35	Typewriter Service Co.	40.00
Sept. 20	36	Verna Goodman	200.00
Sept. 20	37	Gussie Evans	300.00
Sept. 23	38	Ewell Nalle (Postmaster)	1,500.00
Sept. 23	39	Gainesville Register	.50
Sept. 23	40	San Angelo Standard	.90
Sept. 23	41	Brenham Banner	.75
Sept. 23	42	Corpus Christi Caller	.90
Sept. 23	43	Victoria Advocate	.60
Sept. 23	44	Globe News Pub. Co.	.75
Sept. 23	45	Southern Pub. Co.	1.50
Sept. 23	46	Paris News	.50
Sept. 23	47	Herald News Pub. Co.	.45
Sept. 23	48	World News	.65
Sept. 23	50	Western Union Telegraph Co.	16.33
Sept. 25	58	Walter Tips Co.	2.21
Sept. 25	59	Postal Telegraph Co.	27.76

FINAL REPORT OF COMMITTEE ON CONTINGENT EXPENSES—Cont'd.

Date	Voucher No.	TO WHOM ISSUED	Amount
1935			
Sept. 25	60	E. L. Steck Co.	40.50
Sept. 26	67	Ewell Nalle (Postmaster)	184.50
Sept. 27	69	A. C. Baldwin & Sons	70.88
Sept. 27	70	Capital Printing Co.	253.78
Sept. 27	71	A. S. Hull	1,390.16
Sept. 28	72	Capital Printing Co.	43.05
Sept. 28	73	Capital Printing Co.	97.10
Sept. 28	74	T. LaBauve	44.00
Sept. 28	75	Fort Worth Press	3.50
Sept. 28	76	Dallas Journal	1.50
Sept. 28	77	Beaumont Enterprise	1.00
Sept. 28	78	Beaumont Enterprise	.75
Sept. 28	79	Gonzales Inquirer	.60
Sept. 28	80	Texarkana News	.85
Sept. 28	81	Texarkana News	.85
Sept. 28	82	Dallas Dispatch	1.50
Sept. 28	83	Reporters Pub. Co.	2.25
Sept. 28	84	H. H. Voss	1.05
Sept. 28	85	Globe News Printing Co.	.75
Sept. 28	86	Longview News	.75
Sept. 28	87	Fox-Schmidt Co.	2.85
Sept. 28	88	Brownsville Herald	4.72
Sept. 30	89	Del Rio Evening News	.50
Sept. 30	90	Daily Times Herald, Dallas	.75
Sept. 30	91	Daily Times Herald, Dallas	3.75
Sept. 30	92	San Angelo Standard	.90
Sept. 30	93	New York Times	1.25
Sept. 30	94	A. S. Hull	184.00
Oct. 1	95	Capital Printing Co.	117.02
Oct. 2	96	S. W. Bell Telephone Co.	384.55
Oct. 2	97	Western Union Telegraph Co.	63.10
Oct. 2	98	Underwood Elliott Co.	89.10
Oct. 2	99	Postal Telegraph Co.	40.24
Oct. 2	101	Joe S. Dunlap	8.25
Oct. 2	102	Burroughs Adding Machine	184.50
Oct. 3	104	Government Printing Office	15.00
Oct. 3	108	Times Pub. Co.	2.00
Oct. 3	109	Enterprise Pub. Co.	.75
Oct. 3	110	Postal Telegraph Co.	9.63
Oct. 3	111	Western Union Telegraph Co.	60.68
Oct. 4	114	American Pub. Co.	59.10
Oct. 4	115	Ewell Nalle (Postmaster)	900.00
Oct. 14	129	Capital Printing Co.	186.29
Oct. 14	130	H. H. Voss	15.25
Oct. 14	131	A. W. Brill	1.75
Oct. 14	132	Underwood Elliott Co.	72.00
Oct. 14	133	Z. Pearson	32.50
Oct. 14	134	Postal Telegraph Co.	45.26
Oct. 14	135	S. W. Bell Telephone Co.	250.60
Oct. 14	136	Denver Post Printing Co.	1.00
Oct. 14	137	Times Pub. Co.	.75
Oct. 14	138	Capital Printing Co.	221.04
Oct. 14	139	A. C. Baldwin & Sons	359.62
Oct. 14	140	H. S. Voss	.75
Oct. 14	141	A. C. Baldwin & Sons	328.78
Oct. 14	142	Western Union Telegraph Co.	59.56
Oct. 14	143	Connelly Florists	12.50

FINAL REPORT OF COMMITTEE ON CONTINGENT EXPENSES—Cont'd.

Date	Voucher No.	TO WHOM ISSUED	Amount
1935			
Oct. 14	144	T. LaBauve.....	24.00
Oct. 14	145	S. S. Pettus.....	71.05
Oct. 14	146	Express Pub. Co.....	16.15
Oct. 15	147	A. S. Hull.....	833.82
Oct. 15	148	Barrow Typewriter Co.....	24.00
Oct. 15	149	D. R. Lilienstern.....	88.00
Oct. 15	150	Capital Printing Co.....	285.53
Oct. 15	154	Kee-Lox Manufacturing Co.....	24.00
Oct. 23	159	Miller Blue Print Co.....	.50
Oct. 23	160	Lufkin Pub. Co.....	.60
Oct. 23	161	Western Union Telegraph Co.....	40.19
Oct. 23	162	A. C. Baldwin & Sons.....	181.13
Oct. 23	163	S. W. Bell Telephone Co.....	17.35
Oct. 23	164	E. L. Steck Co.....	4.00
Oct. 23	165	Electric Household Appliance.....	1.50
Oct. 23	166	Capital Printing Co.....	705.85
Oct. 23	167	Walter Tips Co.....	1.35
Oct. 23	168	S. W. Bell Telephone Co.....	373.70
Oct. 23	169	Western Union Telegraph Co.....	98.31
Oct. 23	170	Swann-Schulle.....	6.00
Oct. 23	171	Postal Telegraph Co.....	41.20
Oct. 24	172	A. S. Hull.....	630.45
Oct. 30	173	S. W. Bell Telephone Co.....	638.44
Oct. 30	175	Western Union Telegraph Co.....	46.53

SUPPLY ACCOUNT

Left from Regular Session of Forty-fourth Legislature.....	\$ 495.32
Bought During First Called Session.....	\$2,852.83
Total.....	\$3,348.15

Disbursements

To Committees between Sessions.....	\$ 141.27
To Members.....	418.11
Chief Clerk.....	34.21
Doorkeeper.....	.60
Reading Clerk.....	9.68
Committee Clerks.....	12.68
Voting Machine Operator.....	5.13
Engrossing and Enrolling Departments.....	589.09
Contingent Expense Committee.....	13.02
Appropriation Committee.....	27.30
Mailing Clerk.....	1.14
Revenue and Taxation.....	1.34
Claims and Accounts.....	3.00
Stenographic Dept.....	1,344.81
Left on hand.....	746.77
Total.....	\$3,348.15

STAMP ACCOUNT

Left from Regular Session, Forty-fourth Legislature.....	\$ 285.72
Bought First Called Session.....	2,400.00
Total.....	\$2,685.72

Disbursements

To Committees between Sessions.....	\$ 39.89
To Members.....	1,736.92
Chief Clerk.....	9.41
Sergeant-at-Arms.....	21.00
Contingent Expense.....	1.26
Appropriation Committee.....	15.00
Mailing Clerk.....	.88
Claims and Accounts.....	6.00
Left on hand.....	855.36
Total.....	\$2,685.72

Respectfully submitted,

E. D. DUNLAP, Chairman,
Contingent Expense Committee.

By Adele Jacobs.

EXPENSE ACCOUNTS OF MEMBERS

	Supplies	Stamps	Telegraph and Telephone	Total
Adamson, J. W.	\$ 2.91	\$ 11.73	\$ 1.72	\$ 16.36
Adkins, W. H.	.94	13.02	9.00	22.96
Aikin, A. M., Jr.	1.06	8.63	7.40	17.09
Alexander, Bob	1.77	13.32	20.75	35.84
Alsup, Lon E.	2.50	9.31	9.35	21.16
Ash, J. V.	2.12	18.82	17.46	38.40
Atchison, John A., Jr.	4.09	19.93	11.12	35.14
Beck, E. Harold	1.34	8.65	10.51	20.50
Bergman, Carl	3.34	10.99	10.65	24.98
Bourne, C. D., Jr.	3.14	8.18	12.02	23.34
Bradbury, J. Bryan	4.49	13.19	7.48	25.16
Bradford, Clyde	1.16	7.03	8.30	16.49
Broyles, Wallace R.	1.92	21.11	5.25	28.28
Burton, Grover	1.28	3.78		5.06
Butler, George B.	.54	1.80	27.41	29.75
Butler, V. M.	.05	4.03	2.75	6.83
Cagle, A. P.	1.59	23.30	3.65	28.54
Caldwell, Joe W., Jr.	.59	7.11	14.73	22.43
Calvert, Robert W.	2.37	3.41	13.20	18.98
Canon, C. C.	3.00	16.20	5.43	24.63
Celaya, Aug.	7.81	16.84	25.36	50.01
Clayton, William E.	2.86	9.00	59.20	71.06
Collins, James J., Jr.	2.13	19.02	22.85	44.00
Colquitt, Rawlins M.	3.78	26.82	5.92	36.52
Colson, Nall	.93	11.29	44.99	57.21
Cooper, Tom P., Jr.	2.16	4.44	11.30	17.90
Cowley, Dero D.	.98	11.23	10.68	22.89
Craddock, W. M.	1.79	6.00	2.64	10.43
Crossley, Dr. A.	1.91	25.64	6.95	34.50
Daniel, Albert K.	1.83	3.03	13.93	18.79
Davis, Dr. J. C.	.10	10.66	15.20	25.96
Davison, Howard C.	3.98	20.14	10.98	35.10
Davisson, Geo. A., Jr.	4.48	11.03	8.85	24.36
Dickison, P. E.	3.55	7.33	19.38	30.26
Dunagan, Otis T.	1.64	6.44	15.50	23.58
Dunlap, E. D.	.20	4.84	10.60	15.64
Dunlap, Thos. J.	1.26	16.18	12.43	29.87
Duvall, J. C.	5.05	7.66	17.18	29.89
Dwyer, Pat	.02	5.27	75.79	81.08
England, Byron	2.20	3.79	27.90	33.89
Fain, John W.	1.40	5.12	7.08	13.60
Farmer, Clarence E.	6.30	19.46	5.21	30.97
Fisher, O. C.	4.16	12.21	4.20	20.57
Fitzwater, W. W.				
Ford, J. B.	3.21	21.91	3.15	28.27
Fox, Wilson H.	3.99	6.63	14.37	24.99
Frazer, Hollis	.59	10.23	18.86	29.68
Fuchs, R. A.	3.29	17.76	9.65	30.70
Gibson, Merritt H.	3.57	9.63	13.90	27.10
Glass, W. W.	1.57	16.28	2.60	20.45
Good, R. H.	1.80	6.82	4.95	13.57
Graves, Harry N.	.10	3.02	19.64	22.76
Gray, Courtney	2.39	7.43	1.35	11.17
Greathouse, Jos. F.	2.06	3.21	15.12	20.39
Hankamer, Harold M.	3.09	12.00	33.27	48.36
Hanna, Sam	1.71	6.88	6.68	15.27
Hardin, Ross	1.39	26.50	8.90	36.79

EXPENSE ACCOUNTS OF MEMBERS—Continued

	Supplies	Stamps	Telegraph and Telephone	Total
Harris, D. M.	2.10	7.23	4.70	14.03
Harris, Fred	.86	14.02	12.50	27.38
Hartzog, Howard G.	3.71	3.91	20.36	27.98
Head, J. Manley	3.14	6.97	13.81	23.92
Herzik, Gus	1.62	.52	1.70	3.84
Hill, Emmett C.	2.85	5.27	52.65	60.77
Hodges, W. E.	2.83	12.12	1.90	16.85
Hofheinz, Roy	2.70	10.17	30.47	43.34
Holland, R. H.	.05	17.60	2.40	20.05
Hoskins, Conde R.	2.67	13.68	11.49	27.84
Howard, George F.	.97	17.50	23.07	41.54
Huddleston, Earl	.23	7.58	4.83	12.64
Hunt, J. W., Jr.	3.32	7.03	5.22	15.57
Hunter, E. E.	2.21	16.37	12.40	30.98
Hyder, Tom Bullock	2.80	11.05	25.59	39.44
Jackson, H. P.	.41	18.80	6.51	25.72
James, Jesse	2.42	41.66	9.23	53.31
Jefferson, Pat	9.08	15.81	21.82	46.71
Jones, Herman	.60	5.11	18.35	24.06
Jones, Hugh	.70	21.35	12.12	34.17
Jones, Raglin	1.60	15.22	22.70	39.52
Jones, Walter E.	2.86	19.89	4.15	26.90
Keefe, Edgar S.	2.33	22.19	.93	25.45
King, W. W. (Cap)	.86	15.83	11.58	28.27
Knetsch, F. E.	1.58	4.64	5.34	11.56
Lange, Edw. H.	3.66	8.93	22.29	34.88
Lanning, R. C.	2.51	6.42	6.41	15.34
Latham, Sidney	2.93	6.19	11.20	20.32
Leath, R. M.	.05	4.64	21.53	26.22
Lemens, Vernon	1.90	15.74	11.97	29.61
Leonard, Homer L.	8.10	.82	40.64	49.56
Lindsey, J. F.	2.55	16.23	2.19	20.97
Lotief, Cecil A.	2.36	19.68	5.08	27.12
Lucas, Jap	1.15	16.87	12.00	30.02
Luker, Robert A.	.84	7.23		8.07
Mauritz, Fred	1.58	8.60	7.44	17.62
McCalla, Kenneth	.97	17.32	9.30	27.59
McConnell, J. Carroll	1.59	12.02	5.75	19.36
McFarland, C. M.	7.76	13.23	5.66	26.65
McKee, H. L.	2.74	14.30	23.16	40.20
McKinney, A. T., Jr.	1.00	7.23	25.06	33.29
Moffett, George	2.29	3.39	24.32	30.00
Moore, Mrs. Helen	3.06	7.93	3.35	14.34
Morris, G. C.	.79	3.79	12.47	17.05
Morrison, Harlee	6.96	20.73	1.44	29.13
Morse, R. Emmett	3.31	17.93	54.03	75.27
Newton, George M.	10.06	12.71	4.23	27.00
Nicholson, C. E.	2.84	21.50	32.88	57.22
Olsen, J. J.	3.40	7.93	14.25	25.58
Padgett, Jack	9.58	13.15	10.60	33.33
Palmer, Gaston	3.63	18.47	17.28	39.38
Patterson, John B.	5.82			5.82
Payne, Stanford	2.25	7.44	30.58	40.27
Petsch, Alfred	1.97	3.06	24.45	29.48
Pope, W. E.	5.62	3.06	28.04	36.72
Quinn, B. E.	5.80	1.44	.72	7.96
Reader, R. L.	8.32	14.58	17.01	39.91

EXPENSE ACCOUNTS OF MEMBERS—Continued

	Supplies	Stamps	Telegraph and Telephone	Total
Reed, Jasper N.....	2.07	18.53	1.45	22.05
Reed, W. O.....	2.71	18.60	24.35	45.66
Riddle, Arthur C.....	2.24	23.82	3.77	29.83
Roach, Jesse E.....	8.17	35.71	20.02	63.90
Roach, J. T.....	3.51	21.00	5.65	30.16
Roane, George G.....	12.04	11.41	4.38	27.83
Roark, Alf.....	5.42	3.41	7.18	16.01
Roberts, Morris.....	1.30	3.82	26.23	31.35
Rogers, B. L.....	1.84	7.10	3.71	12.65
Russell, Traylor.....	1.82	7.22	26.88	35.92
Rutta, Chas. D.....	6.83	16.03	3.38	26.24
Scarborough, Amos P., Jr.....	2.41	4.44	11.98	18.83
Sessions, Horace B.....	4.22	15.41	2.23	21.86
Settle, J. Doyle.....	2.93	20.29	19.56	42.78
Shofner, Wm. A.....	1.51	16.44	10.86	28.81
Smith, Lonnie.....	2.70	9.72	10.52	22.94
Spears, J. Franklin.....	6.34	14.20	25.97	46.51
Stanfield, Halmond K.....	3.11	15.68	57.69	76.48
Steward, Hugh B.....	1.26	3.00	9.08	13.34
Stinson, Jeff D.....	2.66	12.12	-----	14.78
Stovall, H. R.....	3.01	6.66	-----	9.67
Tarwater, Arthur B.....	1.64	13.03	5.27	19.94
Tennyson, Charles H.....	1.53	13.44	8.27	23.24
Thornton, E. H., Jr.....	3.17	4.44	22.27	29.88
Tillery, Edwin.....	4.93	23.76	1.30	29.99
Venable, O. C.....	3.88	6.73	12.78	23.39
Waggoner, J. H.....	2.54	9.82	.96	13.32
Walker, Albert G.....	1.46	6.82	1.70	9.98
Wells, Joe Kelton.....	3.29	7.83	13.01	24.13
Westfall, Leonard.....	1.04	6.82	14.20	22.06
Wood, Frank A.....	1.67	12.84	8.60	23.11
Wood, Robert H.....	5.42	4.75	10.86	21.03
Worley, Eugene.....	4.97	13.83	11.32	30.12
Young, J. D.....	2.79	15.62	7.85	26.26
Youngblood, J. W.....	.12	7.03	10.85	18.00
Stevenson, Coke R.....	.27	6.21	8.95	15.43

MISCELLANEOUS EXPENSE

	Supplies	Stamps	Telegraph and Telephone	Total
Chief Clerk.....	\$ 34.21	\$ 9.41	\$ 13.26	\$ 56.88
Sergeant-at-Arms.....	3.76	21.00	-----	24.76
Doorkeeper.....	.60	-----	-----	.60
Reading Clerk.....	9.68	-----	-----	9.68
Committee Clerks.....	12.68	-----	-----	12.68
Voting Machine Operator.....	5.13	-----	-----	5.13
Engrossing and Enrolling.....	589.09	-----	-----	589.09
Contingent Expense Committee.....	13.02	1.26	-----	14.28
Appropriation Committee.....	27.30	15.00	-----	42.30
Mailing Clerk.....	1.14	.88	-----	2.02
Revenue and Taxation.....	1.34	-----	-----	1.34
Claims and Accounts.....	3.00	6.00	-----	9.00
Stenographic Department.....	1,344.81	-----	-----	1,344.81

COMMITTEE EXPENSE

Date	Voucher No.	TO WHOM ISSUED	Amount
OIL COMMITTEE			
Sept. 23	49	Walter E. Jones.....	\$ 111.25
Sept. 26	61	Tom Leach.....	164.70
Sept. 26	63	Harry N. Graves.....	11.96
Oct. 29	124	Sidney Latham.....	75.98
Oct. 29	127	Hugh B. Steward.....	175.63
Oct. 29	174	Aug. Celaya.....	694.10
Nov. 22	178	Aug. Celaya.....	115.26
Nov. 14	281	Hazel Autry.....	169.90
RELIEF INVESTIGATING COMMITTEE			
Oct. 2	100	George Butler.....	15.00
Oct. 2	103	Joe F. Greathouse.....	25.00
Oct. 2	106	Lonnie Smith.....	25.00
Oct. 2	107	Clarence E. Farmer.....	15.00
Oct. 2	113	C. C. Ferguson.....	76.60
Oct. 4	116	Howard C. Davison.....	15.00
Oct. 31	177	Chas. T. Grace.....	5.00
Oct. 31	176	Gordon Whatley.....	5.00
MOTOR BUS INVESTIGATING COMMITTEE			
Oct. 8	118	R. C. Lanning.....	6.60
Oct. 8	119	Conde R. Hoskins.....	15.15
Oct. 8	120	Jap Lucas.....	17.55
Oct. 8	121	Albert K. Daniels.....	13.50
Oct. 8	122	E. H. Thornton.....	20.00
Oct. 8	123	Nall Colson.....	21.00
Oct. 22	157	Evelyn Johnson.....	23.00
Oct. 22	158	R. Curry.....	23.00
McDONALD INVESTIGATING COMMITTEE			
Sept. 21	51	C. C. Canon.....	80.00
Sept. 23	52	R. H. Good.....	59.10
Sept. 23	53	Pat Dwyer.....	77.00
Sept. 23	54	E. E. Hunter.....	114.50
Sept. 23	55	Leonard Westfall.....	61.00
Sept. 23	56	Homer Wicker.....	137.00
Sept. 24	57	Ernest Boyette.....	10.00
Sept. 26	66	Jack K. Tingle.....	244.21
Oct. 10	125	A. P. Stanley.....	1.00
Oct. 10	126	J. E. Hatcher.....	1.00
Oct. 11	128	Ruth Elliott.....	12.00
Oct. 15	151	A. E. Dowell.....	18.00
Oct. 15	152	J. Y. Defee.....	18.00
Oct. 15	153	C. D. Bush.....	18.00
Oct. 21	156	J. M. Ferguson.....	18.00
AGRICULTURE COMMITTEE			
Oct. 8	117	J. J. Olsen.....	65.39
Sept. 26	65	J. J. Olsen.....	81.25
Sept. 26	64	R. A. Fuchs.....	19.06
MILK COMMITTEE			
Sept. 26	62	Herman Jones.....	15.75

REPORT OF SERGEANT-AT-ARMS

Hon. E. D. Dunlap, Chairman, Committee on Contingent Expenses, House of Representatives, First Called Session, Forty-fourth Legislature.

Sir: The following are statements of inventory and fixtures for the First Called Session of the Forty-fourth Legislature:

INVENTORY OF FIXTURES

Engrossing Room	Chief Clerk's Room—Cont'd
12 Stenographers' tables.	6 Waste baskets.
14 New oak chairs.	1 Wood stationery cabinet.
2 Straight chairs.	3 Desk lamps.
1 Desk chair.	2 Fans.
7 Waste baskets.	1 Typewriter.
2 Large file cabinets.	2 Hall trees.
1 Small file cabinet.	1 Couch.
3 Large tables.	
2 Hall trees.	
12 Stenographers' baskets.	
1 Desk.	
Enrolling Room	Rear Hall
11 Oak chairs.	1 Roll top desk.
1 Straight chair.	2 Wood cabinets.
8 Stenographers' tables.	1 Stool.
2 Hall trees.	
2 Large tables.	
1 Desk.	
2 Metal file cabinets.	
10 Waste baskets.	
Room No. 3	Room No. 6
2 Oak tables.	1 Metal cabinet.
31 Large arm oak chairs.	1 Wood cabinet.
60 New stenographers' oak chairs.	3 Desks.
36 Old stenographers' chairs.	2 Large oak tables.
6 Straight chairs.	4 Waste baskets.
5 Round bottom chairs.	1 Hall tree.
28 Old arm chairs.	26 Oak chairs.
West Room	Room No. 12
73 Stenographers' tables.	24 Oak chairs.
123 Waste baskets.	2 Old arm chairs.
	2 Oak tables.
Press Room	Room No. 14
15 Desks.	11 Arm chairs.
15 Chairs.	1 Metal file cabinet.
	1 Stenographers' table.
	1 Waste basket.
	2 Letter files.
	1 Stenographers' basket.
Chief Clerk's Room	Room No. 11
1 Roll top desk.	2 New oak tables.
4 Flat top desks.	25 New oak chairs.
2 Book cases.	
2 Metal file cabinets.	
2 Metal safes.	
4 Stenographers' tables.	
19 Chairs.	
	Room No. 10
	1 Mahogany table.
	25 Mahogany chairs.
	Room No. 8
	25 Oak chairs.
	2 Large oak tables.
	8 Folding chairs.

Mimeograph Room

- 2 Large tables.

Speaker's Office

- 1 Hall tree.
1 Book case.
1 Metal file cabinet.
2 Fans.
2 Cuspidors and mats.
4 Mahogany desks.
2 Mahogany tables.
1 Drinking fountain.
1 Day bed.
1 Dufold.
1 Small vacuum cleaner.
3 Waste baskets.
1 Small oak chair.
5 Mahogany chairs.
1 Library table.
2 Desk lamps.
2 Pen trays.
1 Ash tray.

Speaker's Kitchen

- 1 Electric stove.
1 Cabinet.
1 Waste basket.
1 Refrigerator.

Speaker's Dining Room

- 1 Table.
4 Chairs.
1 Plate.
11 Glasses.
1 Sideboard.

Speaker's Bath Room

- 1 High boy.
1 Bath tub.
1 Dust pan.
1 Broom.
1 Hot water heater.

Speaker's Bed Room

- 1 Dresser.
1 Dressing table.
1 Bedstead.
1 Pair box springs.
1 Mattress.
1 Stenographer's table.
1 Rocker.
1 Vanity chair.
1 Wardrobe.
12 Sheets.
3 Blankets.
24 Towels.
3 Comforts.
6 Wash rags.
3 Bed spreads.
12 Pillow cases.
2 Bed spreads.

Speaker's Living Room

- 5 Chairs.
1 Secretary.
1 Floor lamp.
1 Table lamp.
1 Mirror.
2 Vanity tables.
1 Settee.
1 Dufold.
1 Small marble top table.
1 Piano with stool.

Ladies' Rest Room

- 1 Fan.
2 Screens.
1 Stenographer's chair.
2 Brooms.
1 Duster.
1 Round top table.
1 Settee.
2 Chairs.
1 Vanity and stool.
1 Foot stool.
1 Waste basket.
1 Bucket and dust pan.

Porter's Room

- 1 Desk.
8 Cases paper towels.
5 Cases toilet paper.
7 Large waste baskets.
1 Desk chair.
1 Polishing brush.
75 Pounds floor wax.
7 Push brooms.
7 Straw brooms.
1 Small table.
6 Dusters.
1 Gallon furniture polish.
1 Cot.
6 Chairs.
5 Wet mops.
2 Fans.
125 Feet vacuum hose.
4 Scrub brushes.
175 Pounds floor sweep.

Sergeant-at-Arms' Room

- 3 Long tables.
3 Flat top desks.
1 Type desk.
2 Pigeon-hole cabinets.
1 Supply cabinet.
1 Bill rack.
3 Roll top desks.
1 Safe.
1 Steel file cabinet.
1 Paper rack.
1 Hole punch.
7 Chairs.
1 Adding machine.
1 Hall tree.
1 Fan.

Gents' Rest Room		Representative Hall—Cont'd.	
3	Tubs.	5	Office desks.
2	Buckets.	1	Small table.
1	Shine stand.	6	Settees.
200	Pounds moth control.	150	Desks and chairs.
15	Gallons disinfect.	2	Drinking fountains.
4	Gallons liquid soap.	2	Wood cabinets with tables.
15	Gallons scrubbing soap.		
65	Rubber mats.	Reception Room	
2	Aprons.	4	Walnut settees.
1	Pair rubber boots.	20	Walnut chairs.
1	Case toilet paper.	1	Walnut table.
1	Folding chair.	1	Small desk.
		1	Waste basket.
		1	Bulletin board.
		1	Easel.
Representative Hall			
2	Large oak tables.		

Respectfully submitted,

ERNEST J. BOYETT,
Sergeant-at-Arms.